

FARGO PLANNING COMMISSION AGENDA
Tuesday, June 3, 2025 at 3:00 p.m.

A: Approve Order of Agenda

B: Minutes: Regular Meeting of May 6, 2025

C: Public Hearing Items:

1. Continued hearing on an application requesting a Conditional Use Permit (CUP) to allow non-farm commercial uses in the AG, Agricultural zoning district on a portion of the Southeast Quarter of **Section 14, Township 138 North, Range 49 West**. (Located at 2717 88th Avenue South) (Arenson Holdings, LLC/Kyle Jaeger) (lm): WITHDRAWN
2. Hearing on an application requesting a Plat of **Dakota Commerce Center North Second Addition** (Minor Subdivision) a replat of Lots 5-6, Block 1, Dakota Commerce Center North Addition, to the City of Fargo, Cass County, North Dakota. (Located at 3901 and 4001 48th Avenue North) (Dakota Commerce Center 5, LLC/Ulteig Engineering) (lm)
- 3a. Hearing on an application requesting a Zoning Change from AG, Agricultural to AG, Agricultural and LI, Limited Industrial on the proposed **46th Avenue Industrial Park Second Addition**. (Located 3252 and 3336 52nd Avenue North) (County 20 Storage & Transfer, Inc./Lowry Engineering) (dk)
- 3b. Hearing on an application requesting a Plat of **46th Avenue Industrial Park Second Addition** (Major Subdivision) a plat of a portion of the Northwest Quarter of Section 14, Township 140 North, Range 49 West of the Fifth Principal Meridian, to the City of Fargo, Cass County, North Dakota, including a subdivision waiver to allow block length to exceed 1,320 feet. (Located 3252 and 3336 52nd Avenue North) (County 20 Storage & Transfer, Inc./Lowry Engineering) (dk)
4. Hearing on an application requesting a Vacation Plat of a portion of 50th Avenue North and 43rd Street North right-of-way adjacent to Lots 7-12, Block 4, and Lots 6-11, Block 2, **North 81-20 Subdivision** and Lot 1, Block 2, **North 81-20 Second Subdivision** of the Fifth Principal Meridian, to the City of Fargo, Cass County, North Dakota. (Located adjacent to 5001 County Road 81; 4821-4943 43rd Street North; 4349 48th Avenue North) (D&T Properties, LLC/ Gibb Realty, LLP/Kenneth M. Brazina/Monte Routledge TOD/Thunderhead Holdings, LLC/City of Fargo) (dk)
5. Hearing on an application requesting a Plat of **Old Broadway Addition** (Minor Subdivision) a plat of a portion of the Northwest Quarter of Section 7, Township 139 North, Range 48 West, of the Fifth Principal Meridian, to the City of Fargo, Cass County, North Dakota. (Located at 10A, 14, 16, and 22 Broadway North) (Global Development, LLC/Houston Engineering) (me)

Planning Commission meetings are broadcast live on cable channel TV Fargo 56 and can be seen live at www.FargoND.gov/streaming. They are rebroadcast each Wednesday at 8:00 a.m. and Sunday at 8:00 a.m.; and are also included in our video archive at www.FargoND.gov/PlanningCommission.

People with disabilities who plan to attend the meeting and need special accommodations should contact the Planning Office at 701.241.1474. Please contact us at least 48 hours before the meeting to give our staff adequate time to make arrangements.

Minutes are available on the City of Fargo Web site at www.FargoND.gov/planningcommission.

6. Hearing on an application requesting a Plat of **Barry's Addition** (Minor Subdivision) a replat of Lot 2, Block 1, Brewhalla Addition, to the City of Fargo, Cass County, North Dakota. (Located at 1620, 1624, 1630, 1632, and 1666 1st Avenue North) (MBA Investments, LLC/Kevin Bartram) (dk)
7. Hearing on an application requesting a Zoning Change from SR-2, Single-Dwelling Residential to P/I, Public and Institutional with a C-O, Conditional Overlay on Lot 21, Block 13, **Prairie Crossing Addition**. (Located at 3910 25th Street South) (Lake Two Properties, LLC) (cl)
8. Hearing on an application requesting a Plat of **Valley View Twelfth Addition** (Minor Subdivision) a replat of Lot 1, Block 1, Valley View Ninth Addition, to the City of Fargo, Cass County, North Dakota. (Located at 3900 54th Street South) (GBP, LLC/Lowry Engineering) (cl):
CONTINUE TO JULY 1, 2025
9. Hearing on an application requesting a Plat of **Family Healthcare Center Addition** (Minor Subdivision) a replat of Lots 6-12, Block 3, Keeney & Devitts Addition, to the City of Fargo, Cass County, North Dakota. (Located at 301, 307, 309, and 313 NP Avenue North) (Family Healthcare Center/Houston Engineering) (ae)

D: Other Items:

1. Annexation of approximately 49.91 acres of a portion of the West Half of the Northwest Quarter of Section 14, Township 140 North, Range 49 West, of the Fifth Principal Meridian, Cass County, North Dakota. (46th Avenue Industrial Park Second Addition).

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BOARD OF PLANNING COMMISSIONERS MINUTES

Regular Meeting:

Tuesday, May 6, 2025

The Regular Meeting of the Board of Planning Commissioners of the City of Fargo, North Dakota, was held in the Sky Commons Conference Center, Fargo Civic Center at 3:00 p.m., Tuesday, May 6, 2025.

The Planning Commissioners present or absent were as follows:

Present: Maranda Tasa, Art Rosenberg, Thomas Schmidt, Brett Shewey, Joseph Cecil, Amy Hass, Tyler Mohs, Paul Gleye, Michael Betlock

Absent: Tracy Jordre, Scott Stofferahn

Chair Tasa called the meeting to order.

Business Items:

Item A: Approve Order of Agenda

Chair Tasa noted Item 4 has been continued to June 3, 2025.

Member Shewey moved the Order of Agenda be approved as presented. Second by Member Gleye. All Members present voted aye and the motion was declared carried.

Item B: Minutes: Regular Meeting of April 1, 2025

Member Schmidt moved the minutes of the April 1, 2025 Planning Commission meeting be approved. Second by Member Rosenberg. All Members present voted aye and the motion was declared carried.

Item C: Public Hearing Items:

Item 1: J & O 45th Street Apartments Addition

1a. Hearing on an application requesting a Zoning Change from GC, General Commercial with a PUD, Planned Unit Development Overlay to GC, General Commercial with an amended PUD, Planned Unit Development Overlay on Lot 2, Block 1, EOLA Second Addition and on the proposed J & O 45th Street Apartments Addition. (Located at 4417 and 4477 26th Avenue South and 4410, 4448, 4470, and 4474 24th Avenue South) (EOLA Landholdings, LLC/The Wave Resort, LLC/MAKT, LLC/Houston Engineering): APPROVED

1b. Hearing on an application requesting a PUD, Planned Unit Development Master Land Use Plan Amendment on Lot 2, Block 1, EOLA Second Addition and on the proposed J & O 45th Street Apartments Addition. (Located at 4417 and 4477 26th Avenue South and 4410, 4448, 4470, and 4474 24th Avenue South)

(EOLA Landholdings, LLC/The Wave Resort, LLC/MAKT, LLC/Houston Engineering): APPROVED

1c. Hearing on an application requesting a Zoning Change from GC, General Commercial with a PUD, Planned Unit Development Overlay to GC, General Commercial with a C-O, Conditional Overlay and removal from the PUD, Planned Unit Development Master Land Use Plan on Lots 1 and 2, Block 1, EOLA Addition. (Located at 4415 and 4471 24th Avenue South) (EOLA Landholdings, LLC/Christopher H. Crowe, RT/Houston Engineering): APPROVED

1d. Hearing on an application requesting a Plat of J & O 45th Street Apartments Addition (Major Subdivision) a replat of Lots 1, 3, 4 and 5, Block 1, EOLA Second Addition, to the City of Fargo, Cass County, North Dakota, including a subdivision waiver for reduced minimum turnaround dimensions and maximum length of a cul-de-sac. (Located at 4417 and 4477 26th Avenue South and 4410 and 4448 24th Avenue South) (EOLA Landholdings, LLC/The Wave Resort, LLC/Houston Engineering): APPROVED

Planning Coordinator Maegin Elshaug provided a history and overview of the location. She presented the staff report stating all approval criteria have been met and staff is recommending approval.

Discussion was held on the amount of surface parking, access into the property, and intersection safety.

Assistant City Engineer Nathan Boerboom spoke on behalf of the Engineering Department.

Further discussion was held on the proposed cul-de-sacs and best practices.

Mr. Boerboom spoke on the uniqueness of the site.

Additional discussion was held on parking, roadway design, and open space.

Applicant representative Brian Pattengale, Houston Engineering, spoke on behalf of the application.

Discussion continued on traffic flow through the property and access points.

Member Rosenberg moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed 1) Zoning Change from GC, General Commercial with a PUD, Planned Unit Development Overlay to GC, General Commercial with an amended PUD, Planned Unit Development Overlay on Lot 2, Block 1, EOLA Second Addition and on the proposed J & O 45th Street Apartments Addition, 2) PUD, Planned Unit Development Master Land Use Plan Amendment on Lot 2, Block 1, EOLA Second Addition and on the proposed J & O 45th Street Apartments

Addition, 3) Zoning Change from GC, General Commercial with a PUD, Planned Unit Development Overlay to GC, General Commercial with a C-O, Conditional Overlay and removal from the PUD, Planned Unit Development Master Land Use Plan on Lots 1 and 2, Block 1, EOLA Addition, and 4) Subdivision Plat of J & O 45th Street Apartments Addition, including a subdivision waiver for reduced minimum turnaround dimensions and maximum length of a cul-de-sac, as outlined within the staff report, as the proposal complies with the GO2030 Fargo Comprehensive Plan, the 2024 Fargo Growth Plan, the Standards of Article 20-06, Section 20-0907.C, Section 20-0907.D.3(a-c) Section 20-0906.F (1-4), and Section 20-0908.B.7(a-e) of the Land Development Code and all other applicable requirements of the Land Development Code. Second by Member Hass. On call of the roll Members Shewey, Gleye, Betlock, Rosenberg, Cecil, Schmidt, Hass, Mohs, and Tasa voted aye. Absent and not voting: Members Stofferahn and Jordre. The motion was declared carried.

Item 2: Sullivan Second Addition

2a. Hearing on an application request a Zoning Change from GO, General Office and P/I, Public and Institutional to GO, General Office and P/I, Public and Institutional on the proposed Sullivan Second Addition. (Located at 5202 and 5534 25th Street South and 5201 and 5475 Bishops Boulevard South) (Diocese of Fargo/MBN Engineering): APPROVED

2b. Hearing on an application requesting a Plat of Sullivan Second Addition (Minor Subdivision) a replat of Lots 1-2, Block 1, Sullivan Addition to the City of Fargo, Cass County, North Dakota. (Located at 5202 25th Street South and 5201, 5475 and 5534 Bishops Boulevard South) (Diocese of Fargo/MBN Engineering): APPROVED

Planner Chelsea Levorsen presented the staff report stating all approval criteria have been met and staff is recommending approval.

Discussion was held on the zoning of the property the church is located on.

Member Schmidt moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Zoning Change from P/I, Public and Institutional and GO, General Office to P/I, Public and Institutional and GO, General Office, and 2) Subdivision Plat Sullivan Second Addition as outlined within the staff report as the proposal complies with the 2007 and 2024 Growth Plans, the Standards of Article 20-06, Sections 20-0906.F (1-4), and Sections 20-0907. B & C of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Betlock. On call of the roll Members Rosenberg, Betlock, Hass, Cecil, Shewey, Mohs, Gleye, Schmidt, and Tasa voted aye. Absent and not voting: Members Stofferahn and Jordre. The motion was declared carried.

Item 3: Southwest Fargo Mission Second Addition

Hearing on an application requesting a Conditional Use Permit (CUP) for an Alternative Access Plan for a parking reduction on Lot 1, Block 1, Southwest Fargo Mission Second Addition. (Located at 4475 40th Avenue South) (52nd Avenue Investments, LLC/Christianson Companies): APPROVED

Ms. Elshaug presented the staff report stating all approval criteria have been met and staff is recommending approval.

Discussion was held on the conditions of the Conditional Use Permit.

Applicant representative Chris Mack, Christianson Companies, spoke on behalf of the application.

Member Shewey moved the findings and recommendations of staff be accepted and the Conditional Use Permit to allow an Alternative Access Plan for parking reduction in the MR-3, Multi-Dwelling Residential zoning district on Lot 1, Block 1, Southwest Mission Second Addition be approved, as outlined within the staff report, as the proposal complies with the 2024 Growth Plan, the Standards of Section 20-0909.D (1-6) of the Land Development Code, and all other applicable requirements of the Land Development Code, with the following conditions:

1. A minimum of 149 parking spaces shall be provided on the subject property for a 55+ living facility.
2. Future permits are generally consistent with the site plan provided in the May 6, 2025 Planning Commission packet. Changes may require review by the Planning Commission as determined by Planning staff.

Second by Member Rosenberg. On call of the roll Members Gleye, Schmidt, Hass, Mohs, Rosenberg, Betlock, Cecil, Shewey, and Tasa voted aye. Absent and not voting: Members Stofferahn and Jordre. The motion was declared carried.

Item 4: Section 14, Township 138 North, Range 49 West

Hearing on an application requesting a Conditional Use Permit (CUP) to allow non-farm commercial use in the AG, Agricultural zoning district on a portion of the Southeast Quarter of Section 14, Township 138 North, Range 49 West. (Located at 2717 88th Avenue South) (Arenson Holdings, LLC/Kyle Jaeger): CONTINUED TO JUNE 3, 2025

A Hearing has been set for this date and time, however the applicant has requested this application be continued to June 3, 2025.

Item D: Other Items:

Item 1: Annexation of approximately 87.89 acres of portions of Sections 10 and 15, Township 140 North, Range 49 West, of the Fifth Principal Meridian, Cass County, North Dakota.

Planning and Development Assistant Director Mark Williams presented the staff report stating all approval criteria have been met and staff is recommending approval.

Discussion was held on utilities for the property.

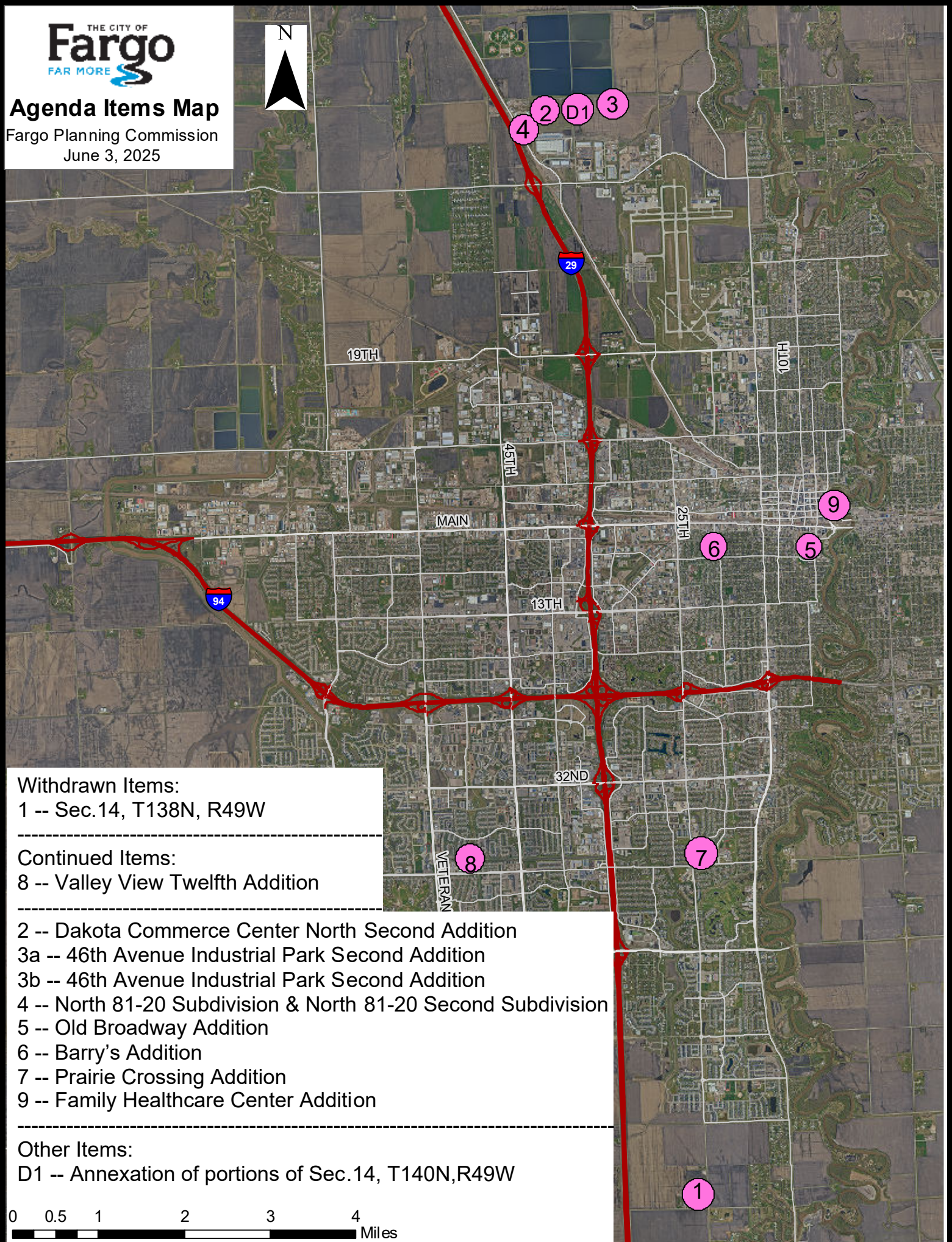
Member Rosenberg moved the findings and recommendations of staff be accepted and the Planning Commission find that the proposed annexation of portions of Sections 10 and 15, Township 140 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota to be consistent with the 2024 Fargo Growth Plan. Second by Member Mohs. On call of the roll Members Hass, Mohs, Shewey, Gleye, Cecil, Schmidt, Betlock, Rosenberg, and Tasa voted aye. Absent and not voting: Members Jordre and Stofferahn. The motion was declared carried.

The time at adjournment was 3:59 p.m.



Agenda Items Map

Fargo Planning Commission
June 3, 2025



Withdrawn Items:

1 -- Sec.14, T138N, R49W

Continued Items:

8 -- Valley View Twelfth Addition

2 -- Dakota Commerce Center North Second Addition

3a -- 46th Avenue Industrial Park Second Addition

3b -- 46th Avenue Industrial Park Second Addition

4 -- North 81-20 Subdivision & North 81-20 Second Subdivision

5 -- Old Broadway Addition

6 -- Barry's Addition

7 -- Prairie Crossing Addition

9 -- Family Healthcare Center Addition

Other Items:

D1 -- Annexation of portions of Sec.14, T140N,R49W

0 0.5 1 2 3 4
Miles

**City of Fargo
Staff Report**

Title:	Dakota Commerce Center North Second Addition	Date:	5/28/2025
Location:	3901 and 4001 48 th Avenue North	Staff Contact:	Luke Morman, Planner
Legal Description:	Lots 5-6, Block 1, Dakota Commerce Center North Addition		
Owner(s)/Applicant:	Dakota Commerce Center 5, LLC	Engineer:	Ulteig Engineering
Entitlements Requested:	Minor Subdivision (a replat of Lots 5-6, Block 1, Dakota Commerce Center North Addition, to the City of Fargo, Cass County, North Dakota.)		
Status:	Planning Commission Public Hearing: June 3, 2025		

Existing	Proposed
Land Use: Undeveloped	Land Use: Industrial – warehouse and freight movement
Zoning: LI, Limited Industrial	Zoning: Unchanged
Uses Allowed: LI, Limited Industrial allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space areas, religious institutions, safety services, basic utilities, adult establishments, offices, off-premise advertising signs, commercial parking, outdoor recreation and entertainment, retail sales and service, self-service storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation, and certain telecommunications facilities.	Uses Allowed: Unchanged
Maximum Lot Coverage Allowed: 85%	Maximum Lot Coverage Allowed: Unchanged

Proposal:

The applicant requests one entitlement:

1. A minor subdivision, entitled **Dakota Commerce Center North Second Addition**, replat of Lots 5-6, Block 1, Dakota Commerce Center North Addition, to the City of Fargo, Cass County, North Dakota.

Surrounding Land Uses and Zoning Districts:

- North: Undeveloped land in LI, Limited Industrial;
- East: Undeveloped land in LI, Limited Industrial;
- South: Industrial in LI, Limited Industrial;
- West: In Fargo's Extraterritorial Jurisdiction (ETJ), Industrial in LI, Limited Industrial.

Area Plans:
The Fargo Growth Plan 2024 designates the Place Type of the subject property as General Industrial and Flex Warehouse. The current zoning of LI, Limited Industrial, matches this Place Type designation.
Context:
<p>Neighborhood: The subject properties are not located within a designated Neighborhood.</p> <p>Schools: The properties are located within the Fargo Public School District, specifically Washington elementary, Ben Franklin middle, and Fargo North high schools.</p> <p>Parks: Within a mile north of the subject property is the North Softball Complex (6063 45 St N), which has amenities of baseball/softball fields, concessions, picnic tables, playgrounds and restrooms.</p> <p>Pedestrian / Bicycle: There are no on-road or off-road bike facilities adjacent to the subject property. However, the Amenities Plan addresses future shared use paths.</p> <p>Transit: The subject properties are not on a MATBUS route at this time.</p>
Staff Analysis:
<p>This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.</p> <p><u>Minor Subdivision</u></p> <p>The plat will replat two existing lots into one single lot. The plat encompasses approximately 25.54 acres. Within the scope of this plat is the vacation of a 20' Public Utility Easement. The applicant confirmed there are no existing utilities within the easement. The existing Amenities Plan and Airport Proximity Agreement for the subject properties will continue through from the previous plat.</p> <p>Minor Subdivision</p> <p>The LDC stipulates that the following criteria is met before a minor plat can be approved:</p> <ol style="list-style-type: none"> Section 20-0907.B.3 of the LDC stipulates that the Planning Commission recommend approval or denial of the application, based on whether it complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code. Section 20-0907.B.4 of the LDC further stipulates that a Minor Subdivision Plat shall not be approved unless it is located in a zoning district that allows the proposed development and complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code. The current zoning is LI, Limited Industrial and no zone change is proposed. The zoning is consistent with the Fargo Growth Plan 2024 designation of "General Industrial and Flex Warehouse" Place Type for the subject property. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, Planning staff has received no inquiries. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments. (Criteria Satisfied)

2. **Section 20-907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.**

While this section of the LDC specifically addresses only major subdivision plats, staff believes it is important to note that any public improvements associated with the project (whether rehabilitation of existing infrastructure or new proposed improvements) will be funded in accordance with the City's Infrastructure and Funding Policy, which may include the use of special assessments.

(Criteria Satisfied)

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed subdivision plat, **Dakota Commerce Center North Second Addition**, as outlined within the staff report, as the proposal complies with the Fargo Growth Plan 2024, the standards of Article 20-06, Section 20-0907.B and C of the LDC, and all other applicable requirements of the Land Development Code".

Planning Commission Recommendation:

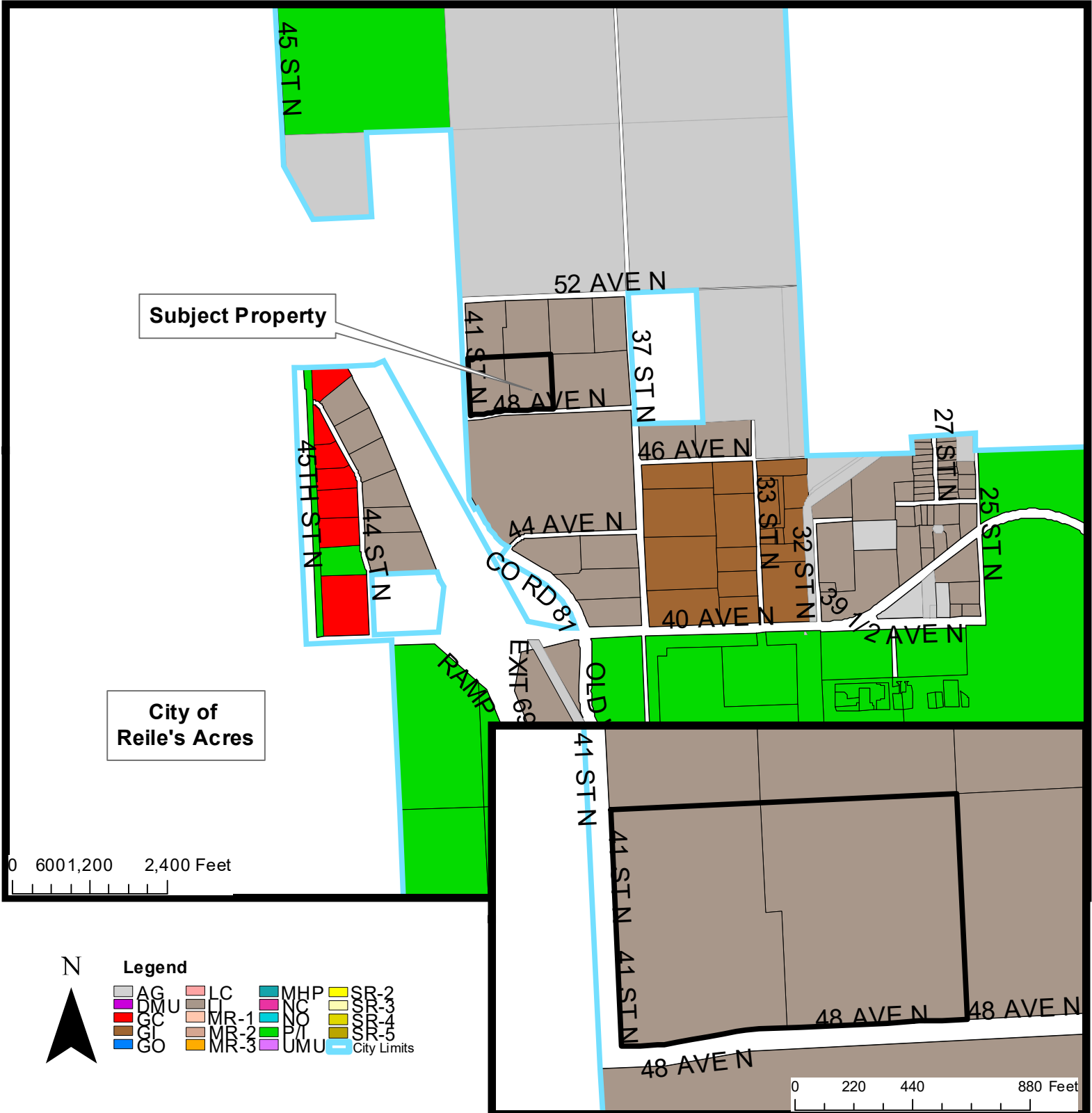
Attachments:

1. Zoning Map
2. Location Map
3. Preliminary Plat

Minor Subdivision

Dakota Commerce Center North Second Addition

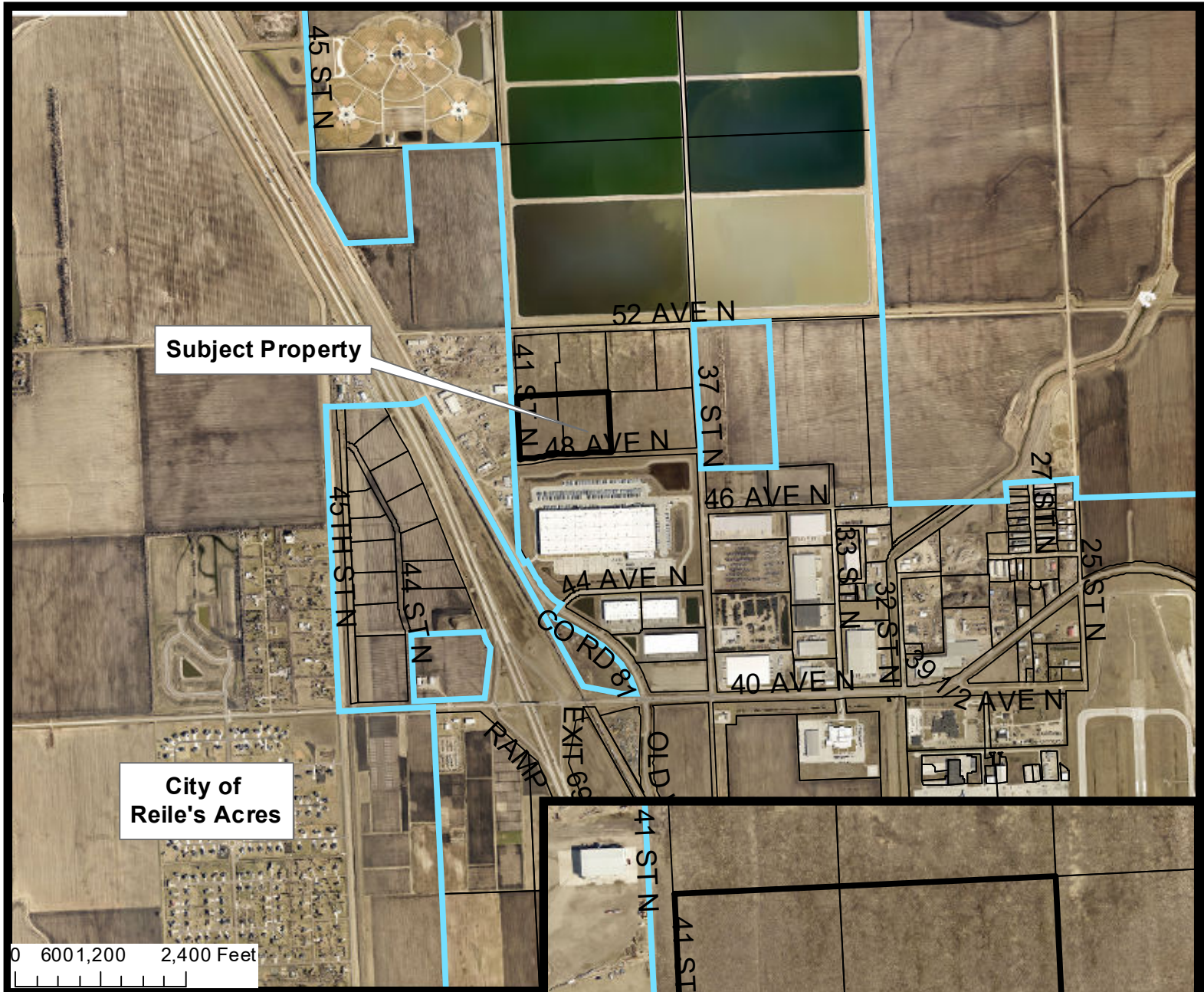
3901 and 4001
48th Avenue North



Minor Subdivision

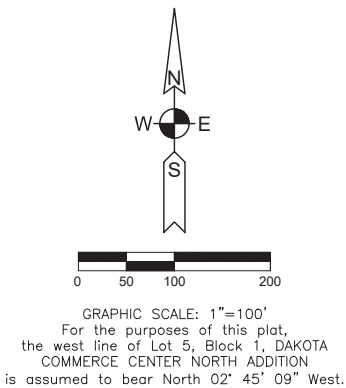
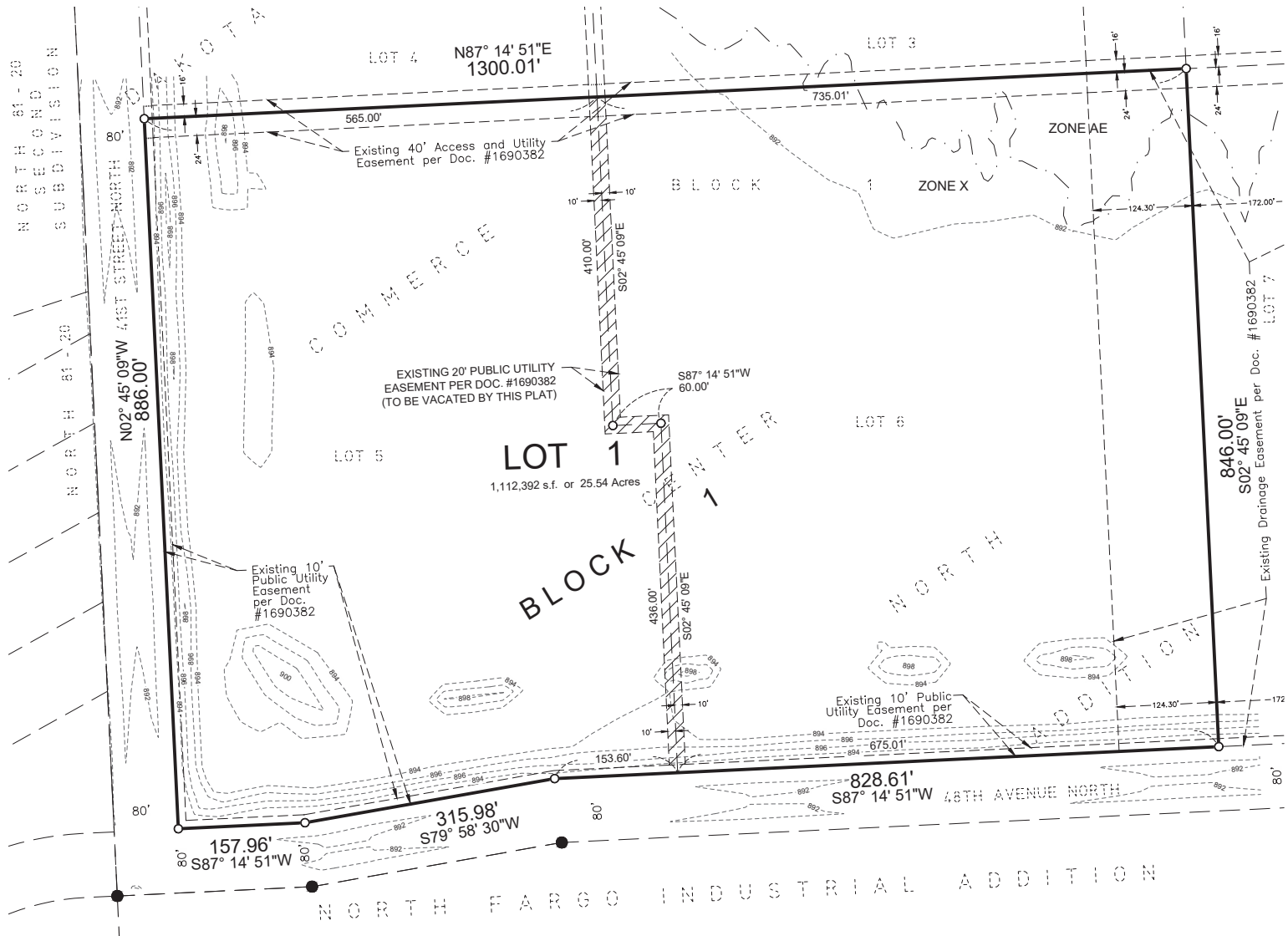
Dakota Commerce Center North Second Addition

3901 and 4001
48th Avenue North



DAKOTA COMMERCE CENTER NORTH SECOND ADDITION

A REPLAT OF LOTS 5 & 6, BLOCK 1, DAKOTA COMMERCE CENTER NORTH ADDITION
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA,
(A MINOR SUBDIVISION)



LEGEND	
●	MONUMENT FOUND
○	MONUMENT SET, 5/8" REBAR, CAPPED "LS-4597"
—	SUBJECT PROPERTY LINE
- - -	SECTION/QUARTER LINE
- - -	EXISTING PROPERTY LINE
- - -	EASEMENT LINE
- - -	EASEMENT EXTENSION LINE
- - -	DIMENSION LEADER LINE
- - -	FEMA ZONE AE LINE
- - -	2 FOOT CONTOUR LINE
	EASEMENT TO BE VACATED WITH THIS PLAT

Floodplain Areas, as noted on this plat, are from the following FEMA Flood Insurance Rate Maps:

38017C0578G with an Effective Date of January 16, 2015

Flood Zones AE as shown hereon have a Base Flood Elevation of 893 feet per above referenced FEMA maps.

Contours shown are based on a Field Survey by Ulteig, March, 2025

PROJECT BENCHMARK
BAKKUM - MnDOT survey disk stamped "BAKKUM 1993" set on top of an aluminum alloy rod located in southwest quadrant of intersection of 70th Ave N and 28th St N, Clay County, Minnesota (approx. 26,500 feet East-Northeast from intersection of County Road 20 & 37th Street).
Published Elevation = 898.21' (NAVD88)

Site Benchmark:
Benchmark #11 - #5 rebar with cap "ULTEIG ENG CONTROL PT" set 2550 feet west of the centerline of 37th St N and 47 feet north of the centerline of 52nd Ave N.
Elevation = 891.89' (NAVD 88)

OWNERS DESCRIPTION AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That DAKOTA COMMERCE CENTER 5 LLC, A DELAWARE LIMITED LIABILITY COMPANY,, as owners of a parcel of land located in the Northeast Quarter of Section 15, Township 140 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, more particularly described as follows:

Lots 5 and 6, Block 1, DAKOTA COMMERCE CENTER NORTH ADDITION to the City of Fargo according to the record plat thereof on file in the office of the County Recorder, Cass County, North Dakota. Containing 1,112,392 square feet or 25.54 acres, more or less.

Said owners have caused the above described parcel of land to be surveyed and platted as "DAKOTA COMMERCE CENTER NORTH SECOND ADDITION" to the City of Fargo, Cass County, North Dakota.

Dakota Commerce Center 5 LLC, a Delaware limited liability company, by Hyde Fargo LLC, its sole manager

Paul Hyde, President

State of _____ }
County of _____ } SS

On this _____ day of _____, 2025, before me personally appeared Paul Hyde, President, of Dakota Commerce Center 5 LLC, a Delaware limited liability company, by Hyde Fargo LLC, its sole manager described in and who executed the within and foregoing instrument and acknowledged that he executed the same.

Notary Public

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGMENT

I, Kurt M. Kisch, Registered Professional Land Surveyor under the laws of the State of North Dakota do hereby certify that this plat is a true and correct representation of the survey of said addition; that all distances shown on said plat are correct; that the monuments for the guidance of future surveys have been located or placed in the ground as shown.

PRELIMINARY

Kurt M. Kisch, Professional Land Surveyor
North Dakota License No. LS-4597

State of Minnesota }
County of Hennepin } SS

On this _____ day of _____, 2025, before me, a notary public with and for said County, personally appeared Kurt M. Kisch, to me known to be the person described in and who executed the same as a free act and deed.

Notary Public

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

Approved by City Engineer this _____ day of _____, 2025.

Tom Knakmuhs, PE, City Engineer

State of North Dakota }
County of Cass } SS

On this _____ day of _____, 2025, before me, a notary public with and for said County, personally appeared Tom Knakmuhs, PE, City Engineer, to me known to be the person described in and who executed the same as a free act and deed.

Notary Public

CITY OF FARGO PLANNING COMMISSION APPROVAL

Approved by the City of Fargo Planning Commission this _____ day of _____, 2025.

Maranda R. Tasa, Planning Commission Chair

State of North Dakota }
County of Cass } SS

On this _____ day of _____, 2025, before me, a notary public with and for said County, personally appeared Maranda R. Tasa, Planning Commission Chair, to me known to be the person described in and who executed the same as a free act and deed.

Notary Public

FARGO CITY COMMISSION APPROVAL

Approved by the Board of City Commissioners and ordered filed this _____ day of _____, 2025.

Timothy J. Mahoney, Mayor

Attest: _____
Steven Sprague, City Auditor

State of North Dakota }
County of Cass } SS

On this _____ day of _____, 2025, before me, a notary public with and for said County, personally appeared Timothy J. Mahoney, Mayor, and Steven Sprague, City Auditor, to me known to be the persons described in and who executed the same as a free act and deed.

Notary Public

PRELIMINARY

PREPARED BY



PROJECT NO. 25.01070
SHEET 1 OF 1 SHEETS

City of Fargo Staff Report			
Title:	46 th Avenue Industrial Park Second Addition	Date:	5/28/2025
Location:	3252 and 3336 52nd Avenue North	Staff Contact:	Donald Kress, current planning coordinator
Legal Description:	Portion of the Northwest Quarter of Section 14, Township 140 North, Range 49 West of the Fifth Principal Meridian, to the City of Fargo, Cass County, North Dakota.		
Owner(s)/Applicant:	County 20 Storage & Transfer, Inc / Lowry Engineering	Engineer:	Lowry Engineering / Neset Land Surveys
Entitlements Requested:	Major Subdivision (a Plat of a portion of the Northwest Quarter of Section 14, Township 140 North, Range 49 West of the Fifth Principal Meridian, to the City of Fargo, Cass County, North Dakota, including a subdivision waiver for block length) and a Zoning Change (from AG, Agricultural to AG, Agricultural and LI, Limited Industrial)		
Status:	Planning Commission Public Hearing: June 3rd, 2025		
Existing		Proposed	
Land Use: Undeveloped		Land Use: Industrial	
Zoning: AG, Agricultural		Zoning: LI, Limited Industrial	
Uses Allowed: AG – Agricultural. Allows detached houses, parks and open space, safety services, basic utilities, and crop production		Uses Allowed: LI allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation, basic utilities, certain telecommunications facilities AG---two lots will be platted but remain zoned AG until development is proposed on those lots.	
Maximum Density Allowed AG allows 1 dwelling unit per 10 acres.		Maximum Lot Coverage Allowed (Limited Industrial): 85%	
Proposal:			
<p>The applicant requests two entitlements:</p> <ol style="list-style-type: none"> 1. A major subdivision, entitled 46th Avenue Industrial Park Second Addition, a plat of a portion of the Northwest Quarter of Section 14, Township 140 North, Range 49 West of the Fifth Principal Meridian, to the City of Fargo, Cass County, North Dakota, including a subdivision waiver for block length; and 2. A zoning change from AG, Agricultural to AG, Agricultural and LI, Limited Industrial. <p>This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.</p> <p>SUBJECT PROPERTY IS PARTLY IN CITY LIMITS AND PARTLY IN ETJ: As depicted on the graphic below, a portion of the subject property is within the city limits and a portion is in Fargo's four-mile extra-territorial jurisdiction (ETJ). The portion in the ETJ is the subject of an owner-initiated annexation This annexation follows a different review path than the subdivision, but both the annexation and subdivision are intended to appear on the same City Commission agenda for final review.</p>			

Planning Commission review of the proposed annexation is item D.1 on the June 3rd, 2025 Planning Commission Agenda.



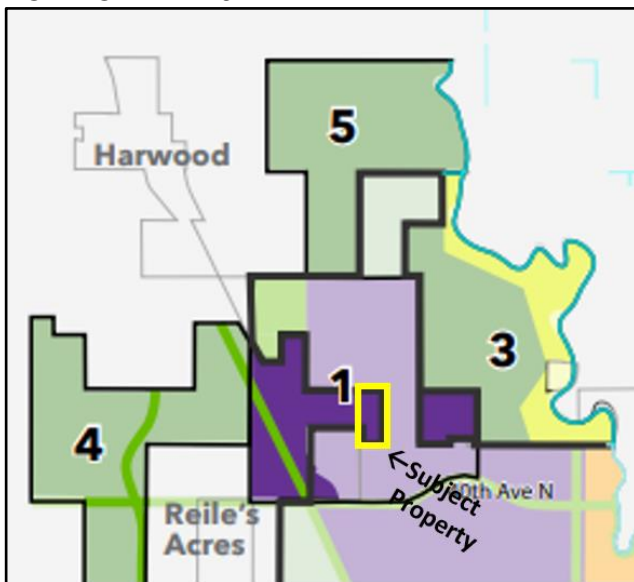
Surrounding Land Uses and Zoning Districts:

- North: AG, Agricultural; City of Fargo sewage lagoons
- East: AG; undeveloped; in Fargo's four-mile extra-territorial jurisdiction
- South: GI, General Industrial; industrial uses
- West: LI; industrial—mainly warehouse

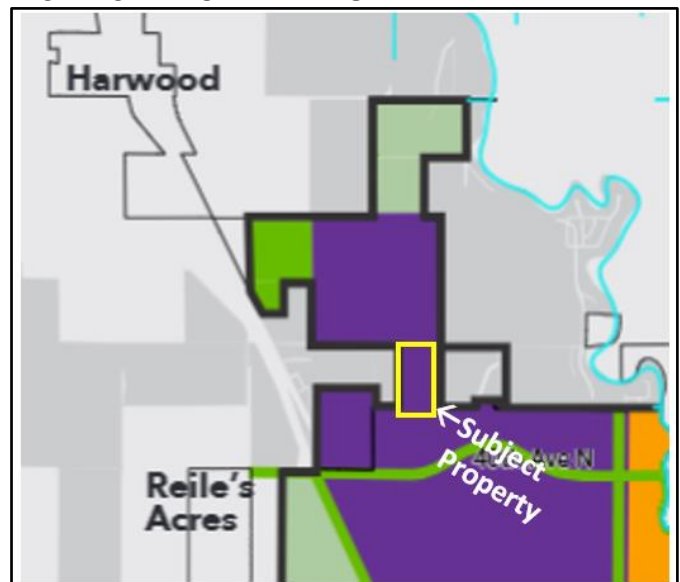
Area Plans:

The two graphics below show that the 2024 Fargo Growth Plan depicts the future place type designation as “General Industrial and Flex Warehouse” for both the portion of the subdivision within the ETJ and the portion within city limits. The future place type designation remains the same upon annexation. No additional approvals are required.

PORTION IN ETJ



PORTION IN CITY LIMITS



Primary uses within this place type are light and general industrial and flex warehouse. Secondary uses are commercial uses specifically related to the primary use. The proposed development and zoning are consistent with this place type

Context:

Schools: The subject property is located within the Fargo School District and is served by Washington Elementary, Benjamin Franklin Middle and Fargo North High schools.

Neighborhood: The subject property is not located within a designated neighborhood.

Parks: The North Softball Complex is approximately 1.5 miles northwest of the subject property.

Pedestrian / Bicycle: There are no on-road or off-road bike facilities adjacent to this property.

MATBUS Route: The subject property is not on a MATBUS route at this time.

Staff Analysis:**MAJOR SUBDIVISION AND ZONING CHANGE**

The subdivision plat creates five lots in three blocks, to be zoned as shown in the chart below:

Block	Lot	Proposed Zoning	Comment
1	1	LI	
1	2	AG	Will remain AG until development is proposed. Future zoning to be LI.
2	1	LI	
2	2	LI	
3	1	AG	Will remain AG until development is proposed. Future zoning to be LI.

Lot 1, Block 1 has development proposed—the applicant has submitted a building permit for review. This review is done administratively and is not part of the subdivision and zone change.

Lot 2, Block 1 and Lot 1, Block 3 are large lots (23.4 acres and 18.14 acres, respectively). The applicant does not have development proposals for these lots at this time. Though staff supports the LI zoning for this development, creating large LI-zoned lots like these without a development plan can lead to these lots being broken up in a manner that creates disconnected development. The applicant has agreed to plat these lots but leave them zoned AG until the time development is proposed. At that time, the lots can be rezoned and may need to be replatted, depending on the proposed development. The zoning would be LI, or its equivalent under the future revised Land Development Code. A similar process of platting a large lot but leaving it zoned AG until development proposed was used on the Madelyn's Meadows Addition in 2018.

Lots 1 and 2, Block 2 are smaller lots (7.04 and 8.54 acres) that will probably be single-user lots.

ACCESS:

The plat includes dedications of right of way for four streets, as shown below:

STREET	RIGHT OF WAY WIDTH	COMMENT
52 nd Avenue North	70 feet	South half of ROW
48 th Avenue North	80 feet	Full width ROW
37 th Street North	60 feet	East half of ROW
33 rd Street North	80 feet	Full width ROW

Additionally, the applicant will grant to the City a street and utility easement along the southerly 40 feet of Lot 1, Block 3 for potential future widening of 46th Avenue North to its full width. This easement can be vacated by agreement between the applicant and the City if future development to the east of this subdivision can be effectively served by 48th Avenue North alone.

SUBDIVISION WAIVER FOR BLOCK LENGTH

The applicant has requested a subdivision waiver for block length, to allow the length of the block to exceed 1,320 feet (one-quarter mile). Specific findings for this waiver are below.

PUBLIC WATER and SEWER

Public water and sewer will be provided in the dedicated public streets.

PROXIMITY AGREEMENT:

A proximity agreement for the subdivision will be signed by the applicant. This is a standard agreement between the City of Fargo and owners of property in close proximity to Hector International Airport and the overflow sewage lagoons. With this agreement, the property owner acknowledges the existence of these facilities and the potential for aircraft noise and sewage odor. The City Commission will take final action on this agreement. No action is required by the Planning Commission. There is no attachment for this agreement.

Zoning

Section 20-0906. F (1-4) of the LDC stipulates the following criteria be met before a zone change can be approved:

1. Is the requested zoning change justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map?

Staff is unaware of any error in the zoning map as it relates to this property. The property is currently zoned AG: Agricultural. The requested zoning is LI, Limited Industrial for three of the lots; two lots will remain zoned AG until development is proposed on those lots. The zoning of the individual lots is summarized in the chart above. The LI zoning is consistent with the Fargo Growth Plan 2024 place type designation of "General Industrial and Flex Warehouse" for this property, and also with the existing zoning on the west side of 37th Street North, north of 40th Avenue North, and on the south side of 46th Avenue North. **(Criteria Satisfied)**

2. Are the City and other agencies able to provide the necessary public services, facilities, and programs to serve the development allowed by the new zoning classifications at the time the property is developed?

City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. The subject property fronts on an existing public right-of-way. Additional dedications will widen the right of way and extend it the full length of the proposed lots. **(Criteria satisfied)**

3. Will the approval of the zoning change adversely affect the condition or value of the property in the vicinity?

Staff has no documentation or evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, Planning staff has received and responded to one inquiry. Staff finds that the approval of the zoning change will not adversely affect the condition or value of the property in the vicinity. **(Criteria satisfied)**

4. Is the proposed amendment consistent with the purpose of this LDC, the Growth Plan, and other adopted policies of the City?

The LDC states "This Land Development Code is intended to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo." The Growth Plan that applies to this property is the Fargo Growth Plan 2024, which designates the place type as "General Industrial and Flex Warehouse." The proposed zoning of LI, Limited Industrial is consistent with this land use designation. **(Criteria satisfied)**

Major Subdivision

The LDC stipulates that the following criteria is met before a major subdivision plat can be approved

1. Section 20-0907.C.1 of the LDC stipulates that no major subdivision plat application will be accepted for land that is not consistent with an approved Growth Plan or zoned to accommodate the proposed development.

The requested zoning for on this property is LI, Limited Industrial, which is consistent with the General Industrial and Flex Warehouse land use designation of the Fargo Growth Plan 2024 and

also with the zoning of adjacent properties along the west side of 37th Street North. As noted above, two of the lots will remain zoned AG, Agricultural until development is proposed on those lots. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, Planning staff has received and responded to one inquiry. **(Criteria Satisfied)**

2. **Section 20-0907.C.4.c of the LDC further stipulates that the Planning Commission shall recommend approval or denial of the application and the City Commission shall act to approve or deny, based on whether it is located in a zoning district that allows the proposed development, complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.**

The property is proposed to be zoned LI, Limited Industrial, though two lots will remain zoned AG, Agricultural until development is proposed on those lots. As noted in the zone change findings above, this zone is consistent with the Fargo Growth Plan 2024 place type designation of "General Industrial and Flex Warehouse" for this property. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments. **(Criteria Satisfied)**

3. **Section 20-0907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.**

Staff has created an amenities plan that specifies the terms of securing installation of public improvements to serve the subdivision. This amenities plan will be reviewed by the Public Works Project Evaluation Committee (PWPEC) prior to the final plat going to City Commission. Any public improvements associated with the project (whether rehabilitation of existing infrastructure or new proposed improvements) will be funded in accordance with the City's Infrastructure Funding Policy, which may include the use of special assessments.

Subdivision Waiver:

The LDC stipulates that the following criteria are met before a subdivision waiver can be approved:

1. **Section 20-0907.D.3.a of the LDC stipulates that a Subdivision Waiver must not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the area in which the property is located.**

The dimensions of Blocks 1 and 2 exceed the maximum of 1,320 feet allowed by 20-0607.B of the Land Development Code (LDC)

- Block 1, bounded by 52nd Avenue North (north); 33rd Street North (east); 46th Avenue North (south) and 37th Street North (west) creates a block 1,775.55 feet long east-west and 1,684.44 feet long north-south.
- Block 2 is bounded by 46th Avenue North (north), 37th Street North (west) and 33rd Street North (east) and has an east-west block length of 1,775.55 feet.

As noted above, these blocks are surrounded by dedicated rights of way for public streets. These streets provide sufficient access to both lots in each block, as well as continuity to the existing street pattern, so access to adjacent properties, whether already platted or to be platted in the future, will not be impaired. Sidewalks will be installed along with the public streets, so pedestrian access will be accommodated. As these blocks are intended to be developed as large lots, mid-block pedestrian access is not practical.

(Criteria Satisfied)

2. **Section 20-0907.D.3.b of the LDC stipulates that a Subdivision Waiver must represent the least deviation from this Land Development Code that will mitigate the hardship or practical difficulty that exists on the subject property.**

The large blocks in this subdivision are proposed for large-scale industrial development. Though the lengths of Blocks 1 and 2 will exceed the maximum block length, street connectivity and pedestrian connectivity will be maintained around the blocks.

(Criteria Satisfied)

3. Section 20-0907.D.3.c of the LDC stipulates that a Subdivision Waiver shall not have the effect of waiving any provisions of this development code other than the Subdivision Design and Improvement Standards of Article 20-06.

This subdivision waiver applies only to the block length requirements of Section 20-0607.B of the LDC for this particular subdivision. **(Criteria Satisfied)**

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed 1) Zoning Change from AG, Agricultural to AG and LI, Limited Industrial, and 2) a plat of the **46th Avenue Industrial Park Second Addition**, including a subdivision waiver for block length, as outlined in the staff report, as the proposal complies with the Fargo Growth Plan 2024, Standards of Article 20-06, and Sections 20-0906.F (1-4), 20-0907.C, and 20-0907.D.3 (a)—(c) of the LDC and all other applicable requirements of the LDC."

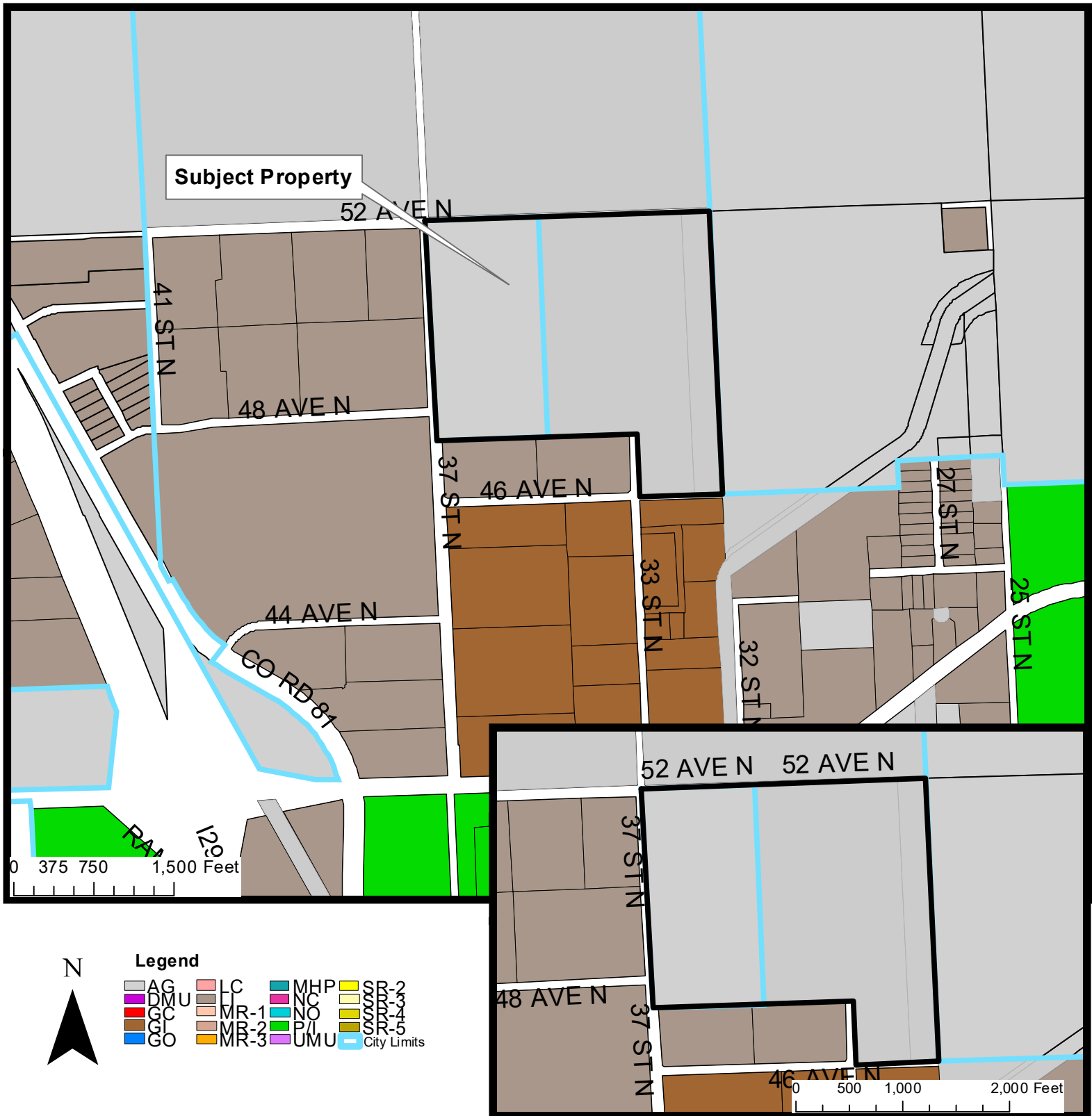
Planning Commission Recommendation: June 3rd, 2025

Attachments:

1. Zoning map
2. Location map
3. Preliminary plat

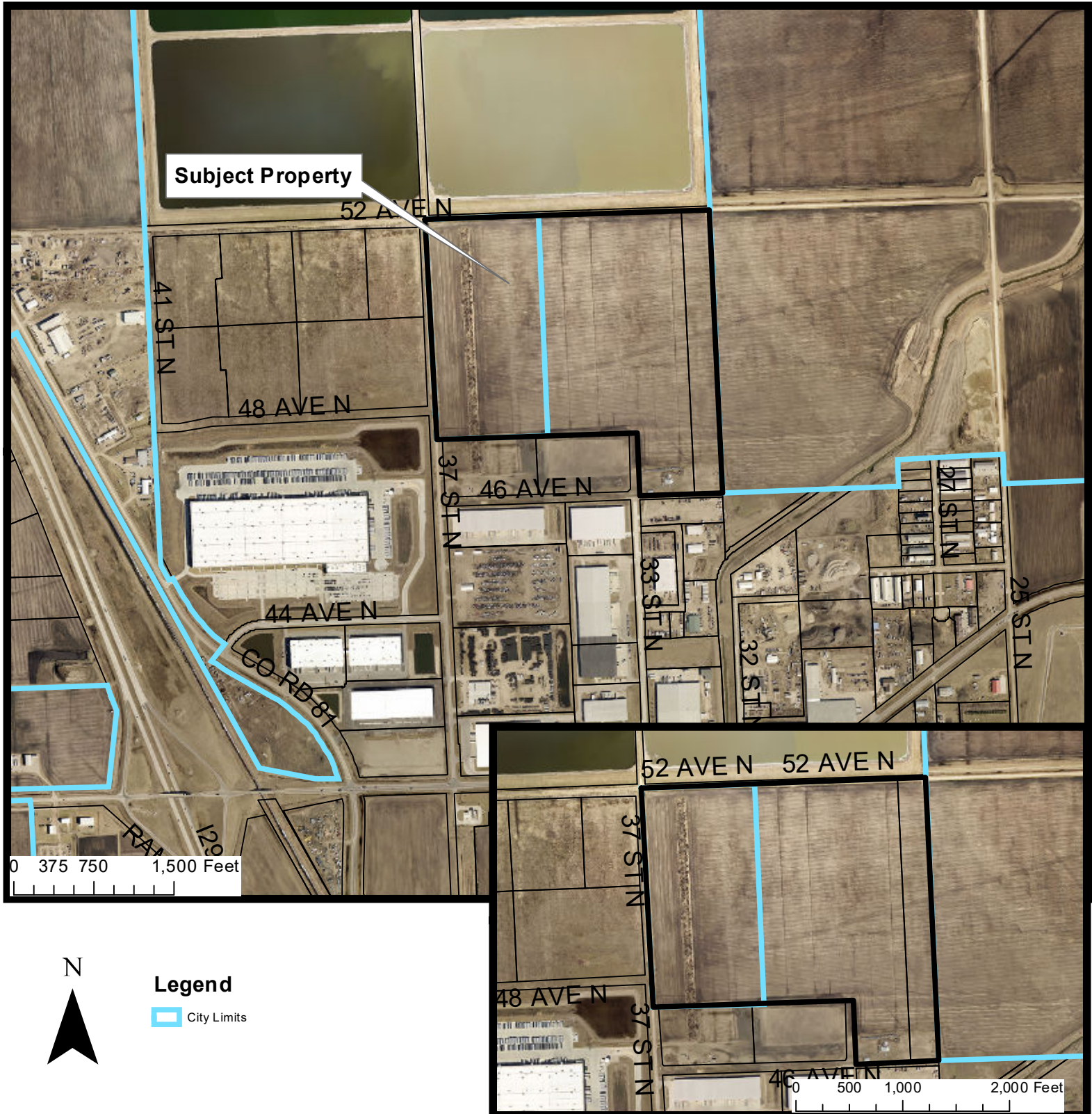
Major Subdivision and Zone Change from AG, Agricultural to LI, Limited Industrial and AG, Agricultural

46th Avenue Industrial Park Second Addition 3336 and 3252 52nd Avenue North



Major Subdivision and Zone Change from AG, Agricultural to LI, Limited Industrial and AG, Agricultural

46th Avenue Industrial Park Second Addition 3336 and 3252 52nd Avenue North



46TH AVENUE INDUSTRIAL PARK SECOND ADDITION

PART OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 140 NORTH, RANGE 49 WEST
OF THE 5TH PRINCIPAL MERIDIAN TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
(A MAJOR SUBDIVISION)

OWNERS' CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS, THAT COUNTY 20 STORAGE & TRANSFER INC, IS THE OWNER OF THAT PART OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 140 NORTH, RANGE 49 WEST OF THE 5TH PRINCIPAL MERIDIAN, TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 140 NORTH RANGE 49 WEST, THE POINT OF BEGINNING; THENCE N88°01'55"E ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 1916.75 FEET; THENCE S01°55'46"E A DISTANCE OF 1551.39 FEET; THENCE N88°04'14"E A DISTANCE OF 767.64 FEET TO THE EAST LINE OF SAID NORTHWEST QUARTER; THENCE S02°37'21"E ALONG SAID EAST LINE A DISTANCE OF 1100.08 FEET TO THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE S88°04'14"W ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 780.95 FEET; THENCE N01°55'46"W A DISTANCE OF 590.00 FEET; THENCE S88°04'14"W A DISTANCE OF 1881.26 FEET TO THE WEST LINE OF SAID NORTHWEST QUARTER; THENCE N02°54'59"W ALONG SAID WEST LINE A DISTANCE OF 2060.40 FEET TO THE NORTHWEST CORNER SAID NORTHWEST QUARTER, THE POINT OF BEGINNING.

SAID OWNER HAS CAUSED THE ABOVE DESCRIBED TRACT OF LAND SHOWN ON THIS PLAT TO BE SURVEYED AND PLATTED AS 46TH AVENUE INDUSTRIAL PARK SECOND ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA. SAID OWNER ALSO HEREBY DEDICATES AND CONVEYS TO THE PUBLIC, FOR PUBLIC USE, ALL STREETS AND AVENUES AS DEPICTED ON THIS PLAT, SIDEWALK EASEMENTS, UTILITY EASEMENTS AND SANITARY SEWER EASEMENT AS SHOWN ON SAID PLAT. SAID 46TH AVENUE INDUSTRIAL PARK SECOND ADDITION, CONSISTS OF 5 LOTS AND 3 BLOCKS, AND CONTAINS 109.39 ACRES, MORE OR LESS TOGETHER WITH EASEMENTS AND RIGHT OF WAYS OF RECORD.

BY: TARI BIRKELO, CHIEF EXECUTIVE OFFICER
COUNTY 20 STORAGE & TRANSFER, INC

STATE OF)
)SS
COUNTY OF)

ON THIS DAY OF , 2025, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TARI BIRKELO, CHIEF EXECUTIVE OFFICER, COUNTY 20 STORAGE & TRANSFER, INC, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: STATE:
MY COMMISSION EXPIRES:

SURVEYORS CERTIFICATE

I, COLE A. NESET, REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NORTH DAKOTA, DO HEREBY CERTIFY THAT I HAVE SURVEYED AND PLATTED THE PROPERTY DESCRIBED ON THIS PLAT AS 46TH AVENUE INDUSTRIAL PARK SECOND ADDITION; THAT THIS PLAT IS A CORRECT REPRESENTATION OF SAID SURVEY; THAT ALL DISTANCES ARE SHOWN CORRECTLY ON SAID PLAT IN FEET AND HUNDREDTHS OF A FOOT; THAT ALL MONUMENTS ARE OR WILL BE INSTALLED CORRECTLY IN THE GROUND AS SHOWN; AND THAT THE EXTERIOR BOUNDARY LINES ARE CORRECTLY DESIGNATED. DATED THIS DAY OF , 2025.

COLE A. NESET,
REGISTERED LAND SURVEYOR
LS-7513

STATE OF NORTH DAKOTA)
)SS
COUNTY OF CASS)

ON THIS DAY OF , 2025, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED COLE A. NESET, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA

CITY ENGINEER'S APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS DAY OF 2025.

TOM KNAKMUHS, P.E.
CITY ENGINEER

STATE OF)
)SS
COUNTY OF)

ON THIS DAY OF , 2025, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TOM KNAKMUHS, P.E., TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: STATE:
MY COMMISSION EXPIRES:

CITY COMMISSION APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS DAY OF 2025.

TIMOTHY J. MAHONEY
MAYOR

STEVEN SPRAGUE
CITY AUDITOR

STATE OF)
)SS
COUNTY OF)

ON THIS DAY OF , 2025, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TIMOTHY J. MAHONEY & STEVEN SPRAGUE, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: STATE:
MY COMMISSION EXPIRES:

CITY PLANNING COMMISSION APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS DAY OF 2025.

MARANDA R. TASA, CHAIR
FARGO PLANNING COMMISSION

STATE OF)
)SS
COUNTY OF)

ON THIS DAY OF , 2025, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED MARANDA R. TASA, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME AS THEIR FREE ACT AND DEED.

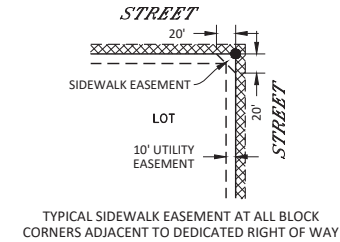
NOTARY PUBLIC, COUNTY: STATE:
MY COMMISSION EXPIRES:

FOR RECORDING PURPOSES ONLY

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46TH AVENUE INDUSTRIAL PARK SECOND ADDITION

PART OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 140 NORTH, RANGE 49 WEST
OF THE 5TH PRINCIPAL MERIDIAN TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
(A MAJOR SUBDIVISION)



LEGEND	
●	MONUMENT SET
○	MONUMENT FOUND
P.O.B.	POINT OF BEGINNING
- - - - -	EX. EASEMENT
- - - - -	EX. PROPERTY LINE
- - - - -	EX. SECTION LINE
— — — — —	PROPERTY BOUNDARY LINE
— — — — —	NEW ROW/PROPERTY LINE
- - - - -	NEW EASEMENT LINE
XXXXXX	NEGATIVE ACCESS EASEMENT
XXXXXX	SPECIAL FLOOD HAZARD AREA

SURVEY INFORMATION

DATE OF SURVEY: 08-10-2022
BASIS OF BEARING: CITY OF FARGO GROUND COORDINATE SYSTEM,
DECEMBER 1992, US SURVEY FOOT
VERTICAL DATUM: NAVD88

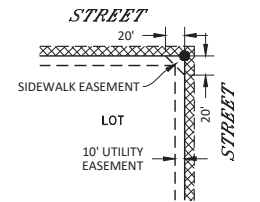
BENCHMARK 1: T-NUT OF HYDRANT IN THE SOUTHWEST CORNER
OF SITE, INTERSECTION OF 46TH AVE N AND 37TH ST. N.
ELEV 897.56

BENCHMARK 2: LID OF LIFT STATION ON SOUTH SIDE OF 46TH
AVENUE NW, APPROXIMATELY 620 FEET WEST OF SOUTHEAST
PROPERTY CORNER
ELEV 894.57

- NOTES**
- ALL DISTANCES ARE GROUND DISTANCES, US SURVEY FOOT.
 - ZONE AE: SPECIAL FLOOD HAZARD AREAS SUBJECT TO
INUNDATION BY THE 1% ANNUAL CHANCE FLOOD.
FEMA MAP NUMBER 38017C0579G
EFFECTIVE JANUARY 16, 2015
BASE FLOOD ELEVATION 893.00 (NAVD 88)
 - NEGATIVE ACCESS EASEMENT, AS NOTED ON THIS PLAT, IS AN
EASEMENT DEDICATED AS PART OF THE RIGHT-OF-WAY
DEDICATION WHICH EASEMENT DENIES DIRECT VEHICULAR
ACCESS TO A STREET OR PUBLIC WAY FROM THE LOT OR LOTS
ADJACENT TO SUCH STREET OR WAY. THE NEGATIVE ACCESS
EASEMENT IS NOT A STRIP OF LAND OF ANY CERTAIN WIDTH,
BUT IS A LINE COTERMINOUS WITH THE BOUNDARY OF THE
ADJACENT LOT OR LOTS.

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PART OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 140 NORTH, RANGE 49 WEST
OF THE 5TH PRINCIPAL MERIDIAN TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
(A MAJOR SUBDIVISION)



LEGEND

SURVEY INFORMATION

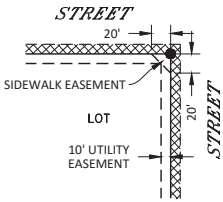
**BENCHMARK 1: T-NUT OF HYDRANT IN THE SOUTHWEST CORNER
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ELEV 897.56**

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FEMA MAP NUMBER 38017C0579G
EFFECTIVE JANUARY 16, 2015
BASE FLOOD ELEVATION 893.00 (NAVD 88)
3. NEGATIVE ACCESS EASEMENT, AS NOTED ON THIS PLAN, IS AN EASEMENT DEDICATED AS PART OF THE RIGHT-OF-WAY DEDICATION WHICH EASEMENT DENIES DIRECT VEHICULAR ACCESS TO A STREET OR PUBLIC WAY FROM THE LOT OR LOTS ADJACENT TO SUCH STREET OR WAY. THE NEGATIVE ACCESS EASEMENT IS NOT A STRIP OF LAND OF ANY CERTAIN WIDTH, BUT IS A LINE COTERMINOUS WITH THE BOUNDARY OF THE ADJACENT LOT OR LOTS.

46TH AVENUE INDUSTRIAL PARK SECOND ADDITION

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OF THE 5TH PRINCIPAL MERIDIAN TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
(A MAJOR SUBDIVISION)



TYPICAL SIDEWALK EASEMENT AT ALL BLOCK CORNERS ADJACENT TO DEDICATED RIGHT OF WAY

LEGEND

●	MONUMENT SET
○	MONUMENT FOUND
P.O.B.	POINT OF BEGINNING
- - - - -	EX. EASEMENT
- - - - -	EX. PROPERTY LINE
- - - - -	EX. SECTION LINE
=====	PROPERTY BOUNDARY LINE
=====	NEW ROW/PROPERTY LINE
- - - - -	NEW EASEMENT LINE
XXXXXX	NEGATIVE ACCESS EASEMENT
=====	SPECIAL FLOOD HAZARD AREA

SURVEY INFORMATION

DATE OF SURVEY: 08-10-2022
BASIS OF BEARING: CITY OF FARGO GROUND COORDINATE SYSTEM,
DECEMBER 1992, US SURVEY FOOT
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ADJACENT LOT OR LOTS.

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City of Fargo Staff Report			
Title:	North 81-20 Subdivision and North 81-20 Second Subdivision	Date:	5/28/2025
Location:	5001 County Road 81; 4821-4943 43rd Street North; 4349 48th Avenue North.	Staff Contact:	Donald Kress, current planning coordinator
Legal Description	Portion of 50th Avenue North and 43rd Street North right-of-way adjacent to Lots 7-12, Block 4, and Lots 6-11, Block 2, North 81-20 Subdivision and Lot 1, Block 2, North 81-20 Second Subdivision of the Fifth Principal Meridian, to the City of Fargo, Cass County, North Dakota.		
Owner(s)/Applicant:	D&T Properties, LLC; Gibb Realty, LLP; Kenneth M. Brezina; Monte Routledge TOD; Thunderhead Holdings, LLC / City of Fargo	Engineer:	City of Fargo
Reason for Request:	Right of Way Vacation (a vacation plat Portion of 50th Avenue North and 43rd Street North right-of-way adjacent to Lots 7-12, Block 4, and Lots 6-11, Block 2, North 81-20 Subdivision and Lot 1, Block 2, North 81-20 Second Subdivision of the Fifth Principal Meridian, to the City of Fargo, Cass County, North Dakota)		
Status:	Planning Commission Public Hearing: June 3rd, 2025		
Proposal:			
<p>The applicant is requesting one entitlement:</p> <ol style="list-style-type: none"> 1. Vacation plat of portions of 50th Avenue North and 43rd Street North right-of-way adjacent to Lots 7-12, Block 4, and Lots 6-11, Block 2, North 81-20 Subdivision and Lot 1, Block 2, North 81-20 Second Subdivision of the Fifth Principal Meridian, to the City of Fargo, Cass County, North Dakota. <p>The proposed street vacation encompasses approximately 1.82 acres of public right of way. Upon vacation, the vacated area will become part of the adjacent lots as depicted on sheet 2 of the vacation plat.</p> <p>This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.</p> <p>North 81-20 Subdivision was platted in 1980. This subdivision was included in Fargo's extra-territorial jurisdiction (ETJ). This plat dedicated 43rd Street North within the subdivision. In 2009, the North 81-20 Second Subdivision replatted portions of the original subdivision, vacating a portion of 43rd Street North and dedicating 50th Avenue North within the subdivision. This is the current configuration of the subdivision.</p> <p>The area to be vacated and the adjacent lots are included within the area of a pending annexation. In staff's discussion with the property owners, they agreed to the vacation of right of way. These portions of 50th Avenue North and 43rd Street North have never been improved, and utilities are not available within these streets. With the development of 41st Street North, these portions of 50th Avenue North and 43rd Street North are no longer required. Properties that formerly took access from 50th Avenue North and 43rd Street North will take access as depicted in the graphic below.</p>			



Surrounding Land Uses and Zoning Districts:

- North: LI, industrial uses;
- East: LI, industrial uses
- South: LI, industrial uses
- West: County Highway 81 and BNSF Railroad

Context:

Schools: The subject property is located within the Fargo School District including Washington Elementary, Ben Franklin Middle and North High School.

Neighborhood: The subject property is not included within a named neighborhood.

Parks: The North Softball Complex, 60463th Street North, located approximately 0.52 mile north of the area to be vacated, provides amenities of baseball/softball fields, concessions, picnic table, playground, ages 2-5 playground, ages 5-12, and restrooms.

Recreation Trails: There are no recreational trails adjacent to the area to be vacated.

Transit: The area to be vacated is not along a MATBus route.

(continued on next page)

Staff Analysis:

ROW Vacation Approval Criteria: This is a City-initiated vacation of right of way. The vacation plat was prepared by the City's Engineering Department. Notwithstanding the Land Development Code's (LDC) silence on the matter, the North Dakota Century Code (N.D.C.C) does address the opening and vacating of roadways in Chapter 40-39 (inside municipal limits). To that end, the balance of this report will focus on the specific approval criteria outlined within Chapter 40-39 of the N.D.C.C.

N.D.C.C. 40-39-04. Vacation of streets and alleys where sewers, water mains, pipes, and lines located – Conditions. No public grounds, streets, alleys, or parts thereof over, under, or through which have been constructed, lengthwise, any sewers, water mains, gas, or other pipes or telephone, electric, or cable television lines, of the municipality or the municipality's grantees of the right of way thereof, may be vacated unless the sewers, mains, pipes, or lines have been abandoned and are not in use, or unless the grantee consents, thereto, or unless perpetual easements for the maintenance of sewers, water mains, gas, or other pipes, or telephone, electric facilities, whether underground or aboveground, is subject to the continued right of location of such electric facilities in the vacated streets.

City staff has determined through locates that there are no utilities within the area to be vacated. **(Criteria Satisfied)**

N.D.C.C. 40-39-05. Petition for vacation of streets, alleys, or public grounds – Contents – Verification. No public grounds, streets, alleys, or parts thereof within a municipality shall be vacated or discontinued by the governing body except on a petition signed by all of the owners of the property adjoining the plat to be vacated. Such petition shall set forth the facts and reasons for such vacation, shall be accompanied by a plat of such public grounds, streets, or alleys proposed to be vacated, and shall be verified by the oath of at least one petitioner.

This is a City-initiated vacation. City staff has contacted the property owners adjacent to the area to be vacated and they have agreed to the vacation. They will all sign the vacation plat prior to that plat going to City Commission. **(Criteria Satisfied)**

N.D.C.C 40-39-06. Petition filed with city auditor – Notice published – Contents of notice. If the governing body finds that the petition for vacation is in proper form and contains the requisite signatures, and if it deems it expedient to consider such petition, it shall order the petition to be filed with the city auditor who shall give notice by publication in the official newspaper of the municipality at least once each week for four weeks. The notice shall state that a petition has been filed and the object thereof, and that it will be heard and considered by the governing body or a committee thereof on a certain specified day which shall not be less than thirty days after the first publication of the notice.

The vacation plat will be advertised as required by this section prior to the hearing before the City Commission (the City's governing body). **(Criteria Satisfied)**

N.D.C.C. 40-39-07. Hearing on petition – Passage of resolution declaring vacation by governing body. The governing body, or such committee as may be appointed by it, shall investigate and consider the matter set forth in the petition specified in section 40-39-05 and, at the time and place specified in the notice, shall hear the testimony and evidence of persons interested. After hearing the testimony and evidence or upon the report of the committee favoring the granting of the petition, the governing body, by a resolution passed by a two-thirds vote of all its members, may declare the public grounds, streets,

alleys, or highway described in the petition vacated upon such terms and conditions as it shall deem just and reasonable.

This action will be taken by the City Commission. ***(Criteria Satisfied)***

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and recommend approval to the City Commission of the **North 81-20 Subdivision** and **North 81-20 Second Subdivision** right-of-way vacation plat as presented; as the proposal complies with the North Dakota Century Code Section 40-39: Opening and Vacating Streets, Alleys, and Public Places."

Planning Commission Recommendation: June 3rd, 2025

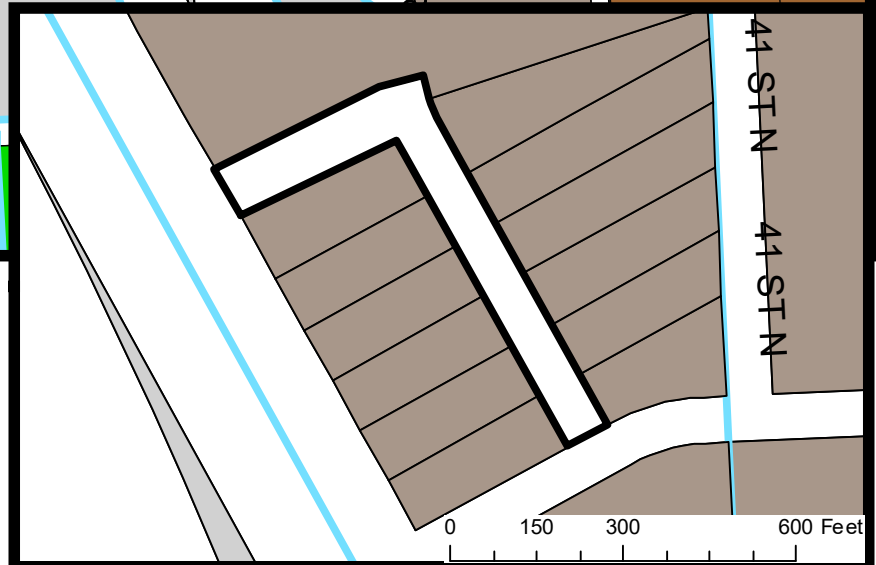
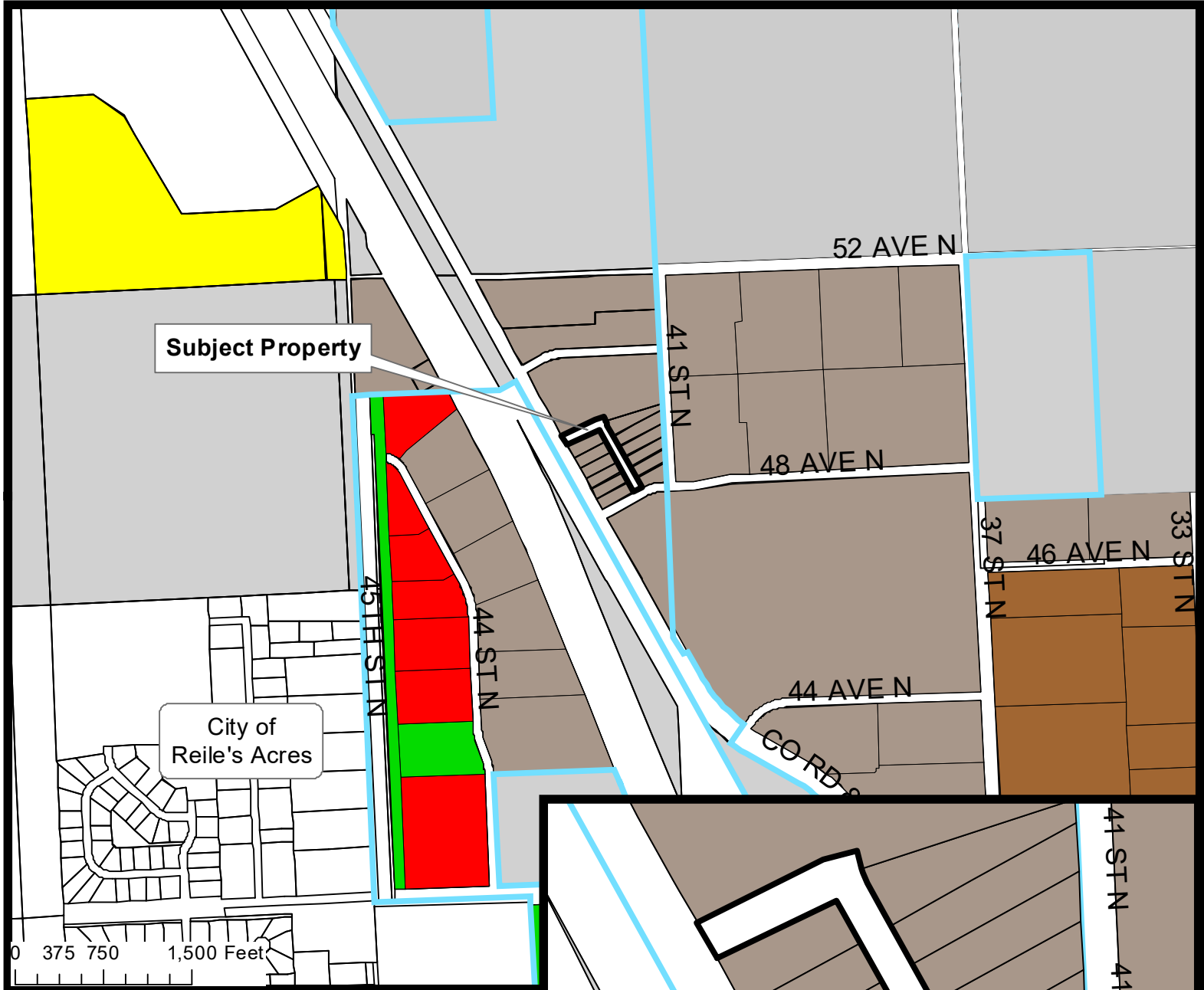
Attachments:

1. Zoning Map
2. Location Map
3. Vacation Plat

North 81-20 Subdivision and North 81-20 Second Subdivision

Vacation of a portion of 50th Avenue and 43rd Street North

5001 County Road 81; 4821- 4943 43rd Street North; 4349 48th Avenue North



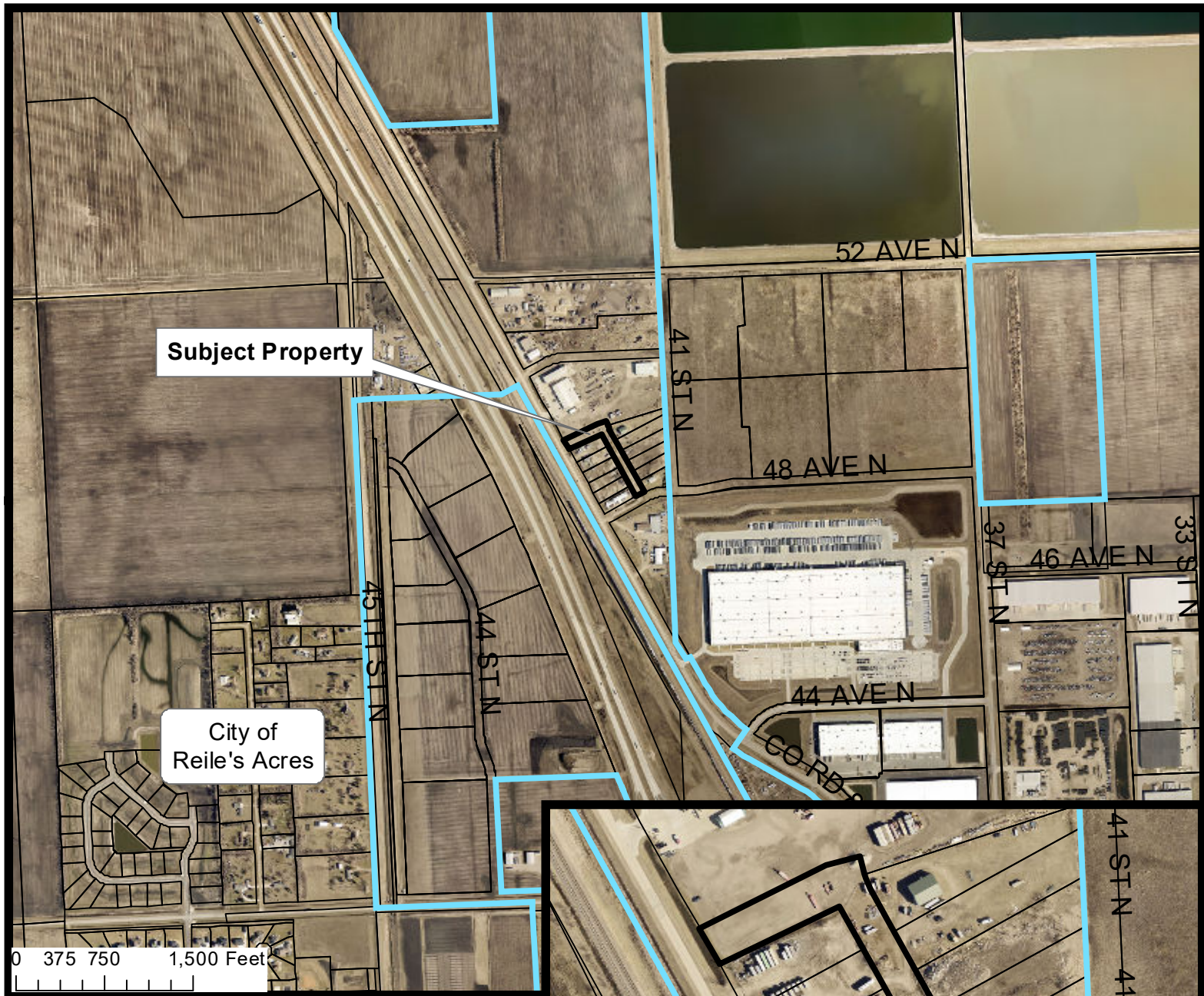
Legend

AG	LC	MHP	SR-2
DMU	LI	NC	SR-3
GC	MR-1	NO	SR-4
GO	MR-2	P/I	SR-5
	MR-3	UMU	City Limits

North 81-20 Subdivision and North 81-20 Second Subdivision

**Vacation of a portion of 50th Avenue and
43rd Street North**

5001 County Road 81; 4821- 4943 43rd
Street North; 4349 48th Avenue North

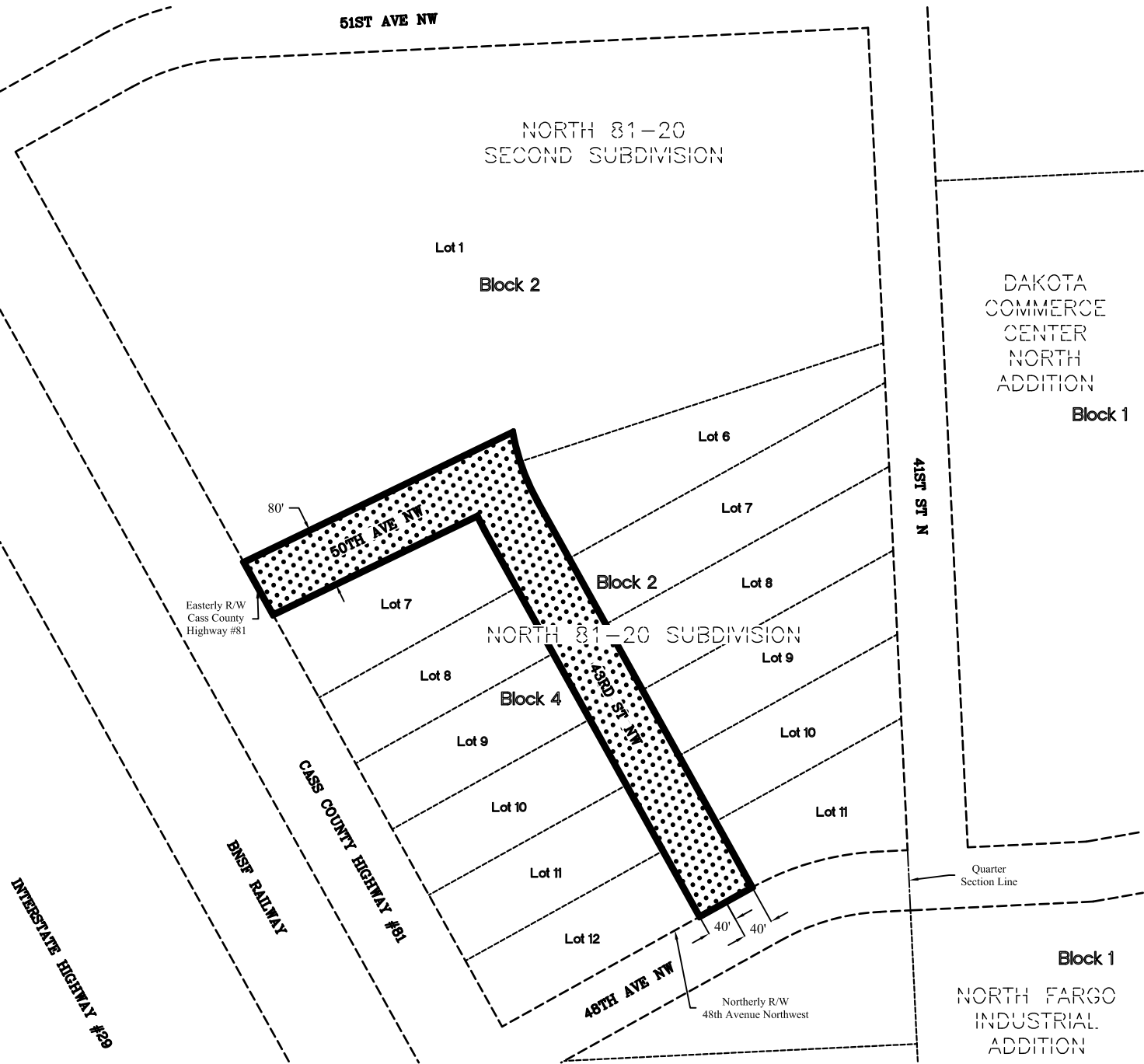


Legend

 City Limits

VACATION PLAT

A PART OF 50TH AVENUE NORTHWEST AND A PART OF 43RD STREET NORTHWEST
CITY OF FARGO, CASS COUNTY, NORTH DAKOTA



Description of area vacated:

That part of 50th Avenue Northwest along with that part of 43rd Street Northwest lying within North 81-20 Subdivision and North 81-20 Second Subdivision bounded on the south by the northerly right-of-way of 48th Avenue Northwest and bounded on the west by the easterly right-of-way of Cass County Highway #81 in the City of Fargo, Cass County, North Dakota.

CERTIFICATE OF ACCURACY:

I, Brent W. Wacha, Professional Land Surveyor, under the laws of the State of North Dakota, hereby certify that this vacation plat is a true and correct representation of the area to be vacated.

Brent W. Wacha, PLS
North Dakota Registration No. LS-5068

State of North Dakota)
County of Cass) SS

On this ____ day of ____, 20__, before me, a notary public with and for said county, personally appeared:

Brent W. Wacha, Professional Land Surveyor

Known to me to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as a free act and deed.

Notary Public Cass County
My commission expires ____

FARGO PLANNING COMMISSION APPROVAL:

Approved by the City of Fargo Planning Commission
and ordered filed this ____ day of ____, 20__.

Maranda R. Tasa, Chair

State of North Dakota)
County of Cass) SS

On this ____ day of ____, 20__, before me, a notary public with and for said county, personally appeared:

Maranda R. Tasa, Chair; City of Fargo Planning Commission

Known to me to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as a free act and deed.

Notary Public Cass County
My commission expires ____

CITY ENGINEER'S APPROVAL:

Approved by the Fargo City Engineer this ____ day of ____, 20__.

Tom Knakmuhs, City Engineer, P.E.
North Dakota Registration No. PE-10059

State of North Dakota)
County of Cass) ss.

On this ____ day of ____, 20__, before me, a notary public with and for said county, personally appeared:

Tom Knakmuhs, City Engineer; City of Fargo

Known to me to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as a free act and deed.

Notary Public Cass County
My commission expires ____

FARGO CITY COMMISSION APPROVAL:

Approved by the Board of City Commissioners of Fargo, North Dakota, and ordered filed this ____ day of ____, 20__.

Timothy J. Mahoney, Mayor

Steve Sprague, City Auditor

State of North Dakota)
County of Cass) SS

On this ____ day of ____, 20__, before me, a notary public with and for said county, personally appeared:

Timothy J. Mahoney, Mayor; City of Fargo
Steve Sprague; City Auditor; City of Fargo

Known to me to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as a free act and deed.

Notary Public Cass County
My commission expires ____



Prepared by:

Fargo Engineering Department
FARGO, NORTH DAKOTA

----- QUARTER SECTION LINE
----- RIGHT-OF-WAY LINE
----- LOT LINE
[Dotted Pattern] AREA TO BE VACATED (±79,415 Sq. Ft.)

0 50 100 200
US SURVEY FEET

Basis of Bearings:
City of Fargo
Ground Coordinate System,
December 1992



VACATION PLAT

A PART OF 50TH AVENUE NORTHWEST AND A PART OF 43RD STREET NORTHWEST
CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

OWNERS' CERTIFICATE:

Owners' as designated hereon certify that they are the owners of the property adjoining the right-of-way to be vacated by the recording of this plat and that they are in agreement with and accepting of the tracts established hereon as well as distribution of the vacated tracts as represented hereon.

OWNER

D&T Properties LLC
Owner of Lot 1, Block 2, North 81-20 Second Subdivision

Todd A. Sanders
Authorized Agent

State of North Dakota)
County of Cass) SS

On this ____ day of _____, 20____, before me, a notary public with and for said county, personally appeared John Smith, known to me to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as a free act and deed.

Notary Public Cass County
My commission expires _____.

OWNER

Kenneth M. Brezina, Owner of Lot 6 and Lot 7, Block 2, North 81-20 Subdivision

Kenneth M. Brezina
Owner

State of North Dakota)
County of Cass) SS

On this ____ day of _____, 20____, before me, a notary public with and for said county, personally appeared John Smith, known to me to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as a free act and deed.

Notary Public Cass County
My commission expires _____.

OWNER(S)

Monte R. Routledge & Linda R. Routledge
Owner of Lot 11, Block 2, North 81-20 Subdivision

Monte R. Routledge
Owner

State of North Dakota)
County of Cass) SS

On this ____ day of _____, 20____, before me, a notary public with and for said county, personally appeared John Smith, known to me to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as a free act and deed.

Notary Public Cass County
My commission expires _____.

OWNER

Thunderhead Holdings LLC
Owner of Lot 12, Block 4, North 81-20 Second Subdivision

Todd M. Krueger
President

State of North Dakota)
County of Cass) SS

On this ____ day of _____, 20____, before me, a notary public with and for said county, personally appeared John Smith, known to me to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as a free act and deed.

Notary Public Cass County
My commission expires _____.

OWNER

Gibb Realty Co.
Owner of Lots 8 through 10, inclusive, Block 2, North 81-20 Subdivision

Greg Gibb
Authorized Agent

State of North Dakota)
County of Cass) SS

On this ____ day of _____, 20____, before me, a notary public with and for said county, personally appeared John Smith, known to me to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as a free act and deed.

Notary Public Cass County
My commission expires _____.

OWNER

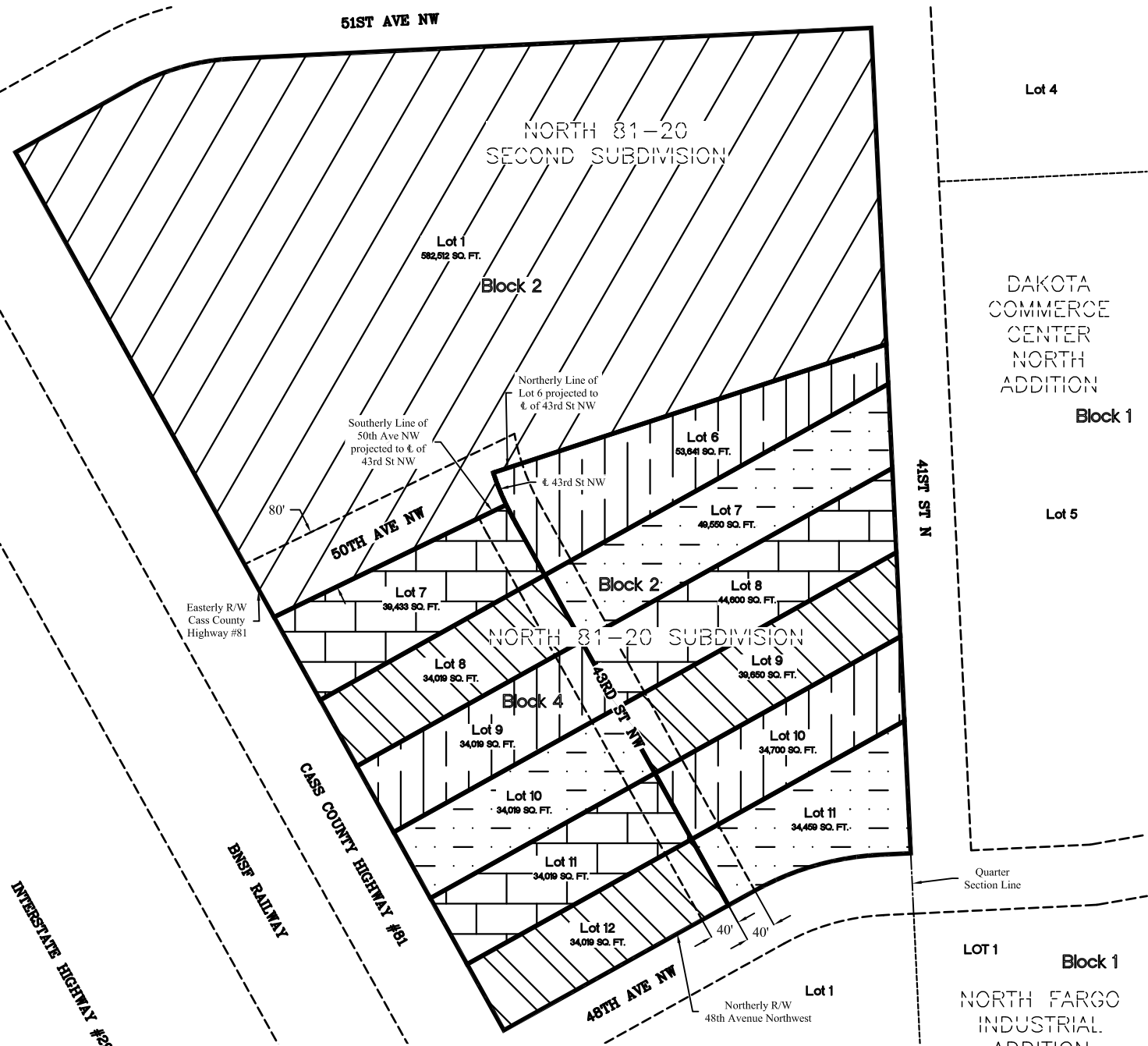
Gibb Realty, L.L.P.
Owner of Lot 7 through 11, inclusive, Block 4, North 81-20 Subdivision

Greg Gibb
Authorized Agent

State of North Dakota)
County of Cass) SS

On this ____ day of _____, 20____, before me, a notary public with and for said county, personally appeared John Smith, known to me to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as a free act and deed.

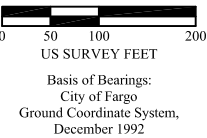
Notary Public Cass County
My commission expires _____.



VACATED RIGHT-OF-WAY DISTRIBUTION MAP

- QUARTER SECTION LINE
- EXISTING RIGHT-OF-WAY
- NEW BOUNDARY AFTER R/W VACATION

NOTE: ALL EXISTING LOT LINES SHALL BE EXTENDED TO THE CENTERLINE OF VACATED 43RD STREET NORTHWEST FOR VACATED R/W DISTRIBUTION.



Prepared by:
Fargo Engineering Department
FARGO, NORTH DAKOTA

**City of Fargo
Staff Report**

Title:	Old Broadway Addition	Date:	5/28/2025
Location:	10A, 14, 16, and 22 Broadway North	Staff Contact:	Maegin Elshaug, planning coordinator
Legal Description:	a portion of the Northwest Quarter of Section 7, Township 139 North, Range 48 West, of the Fifth Principal Meridian, to the City of Fargo, Cass County, North Dakota		
Owner(s)/Applicant:	Global Development, LLC / Houston Engineering	Engineer:	Houston Engineering
Entitlements Requested:	Minor Subdivision (a plat of a portion of the Northwest Quarter of Section 7, Township 139 North, Range 48 West, of the Fifth Principal Meridian, to the City of Fargo, Cass County, North Dakota.)		
Status:	Planning Commission Public Hearing: June 3, 2025		

Existing	Proposed
Land Use: Commercial and private alley	Land Use: unchanged
Zoning: DMU, Downtown Mixed-Use	Zoning: unchanged
Uses Allowed: DMU – Downtown Mixed Use. Allows detached houses, attached houses, duplexes, multi-dwelling structures, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, commercial parking, retail sales and service, vehicle repair, limited vehicle service, and major entertainment events.	Uses Allowed: unchanged
Maximum Lot Coverage Allowed: 100%	Maximum Lot Coverage Allowed: unchanged

Proposal:

The applicant requests one entitlement:

1. A minor subdivision, entitled **Old Broadway Addition**, a plat of a portion of the Northwest Quarter of Section 7, Township 139 North, Range 48 West, of the Fifth Principal Meridian, to the City of Fargo, Cass County, North Dakota.

Surrounding Land Uses and Zoning Districts:

- North: Commercial and surface parking in DMU;
- East: Commercial and residential in DMU;
- South: Commercial and residential in DMU;
- West: Commercial, residential and parking ramp (under construction) in DMU;

Area Plans:

The Fargo Growth Plan 2024 designates the placetype of the subject property as Downtown / Core. The

Downtown InFocus plan identifies the property for mixed-use. The current zoning is DMU, Downtown Mixed-Use, which matches this placetype designation.

Context:

Neighborhood: Downtown

Schools: The property is located within the Fargo Public School District, specifically Roosevelt elementary, Ben Franklin middle, and Fargo North high schools.

Parks: Within a quarter-mile is Island Park (302 7 Street South), which has amenities of trails, playgrounds, shelters, pool, and basketball and tennis courts.

Pedestrian / Bicycle: Separated bike lane facilities on NP Avenue North exist between University Drive and 8th Street North, are under construction at the 600 block, and will continue east on NP Avenue North with future construction projects.

Transit: The subject property is located within a block of the Ground Transportation Center (GTC) for MatBUS.

Staff Analysis:

This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

Minor Subdivision

The plat will plat three existing parcels into one single lot. The plat encompasses approximately .08 acres. Several easements exist within the boundary of the plat, including ingress/egress, access and storm water, and underground utility, and are depicted on several pages.

Minor Subdivision

The LDC stipulates that the following criteria is met before a minor plat can be approved:

- 1. Section 20-0907.B.3 of the LDC stipulates that the Planning Commission recommend approval or denial of the application, based on whether it complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code. Section 20-0907.B.4 of the LDC further stipulates that a Minor Subdivision Plat shall not be approved unless it is located in a zoning district that allows the proposed development and complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.**

The current zoning is DMU, Downtown Mixed-Use and no zone change is proposed. The zoning is consistent with the Fargo Growth Plan 2024 designation of "Downtown / Core" placetype and Downtown InFocus plan for mixed-use for the subject property. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, Planning staff has received and responded to one inquiry. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments. **(Criteria Satisfied)**

2. Section 20-907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.

While this section of the LDC specifically addresses only major subdivision plats, staff believes it is important to note that any public improvements associated with the project (whether rehabilitation of existing infrastructure or new proposed improvements) will be funded in accordance with the City's Infrastructure Funding Policy, which may include the use of special assessments. **(Criteria Satisfied)**

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed subdivision plat, **Old Broadway Addition**, as outlined within the staff report, as the proposal complies with the Fargo Growth Plan 2024, the standards of Article 20-06, Section 20-0907.B and C of the LDC, and all other applicable requirements of the Land Development Code".

Planning Commission Recommendation:

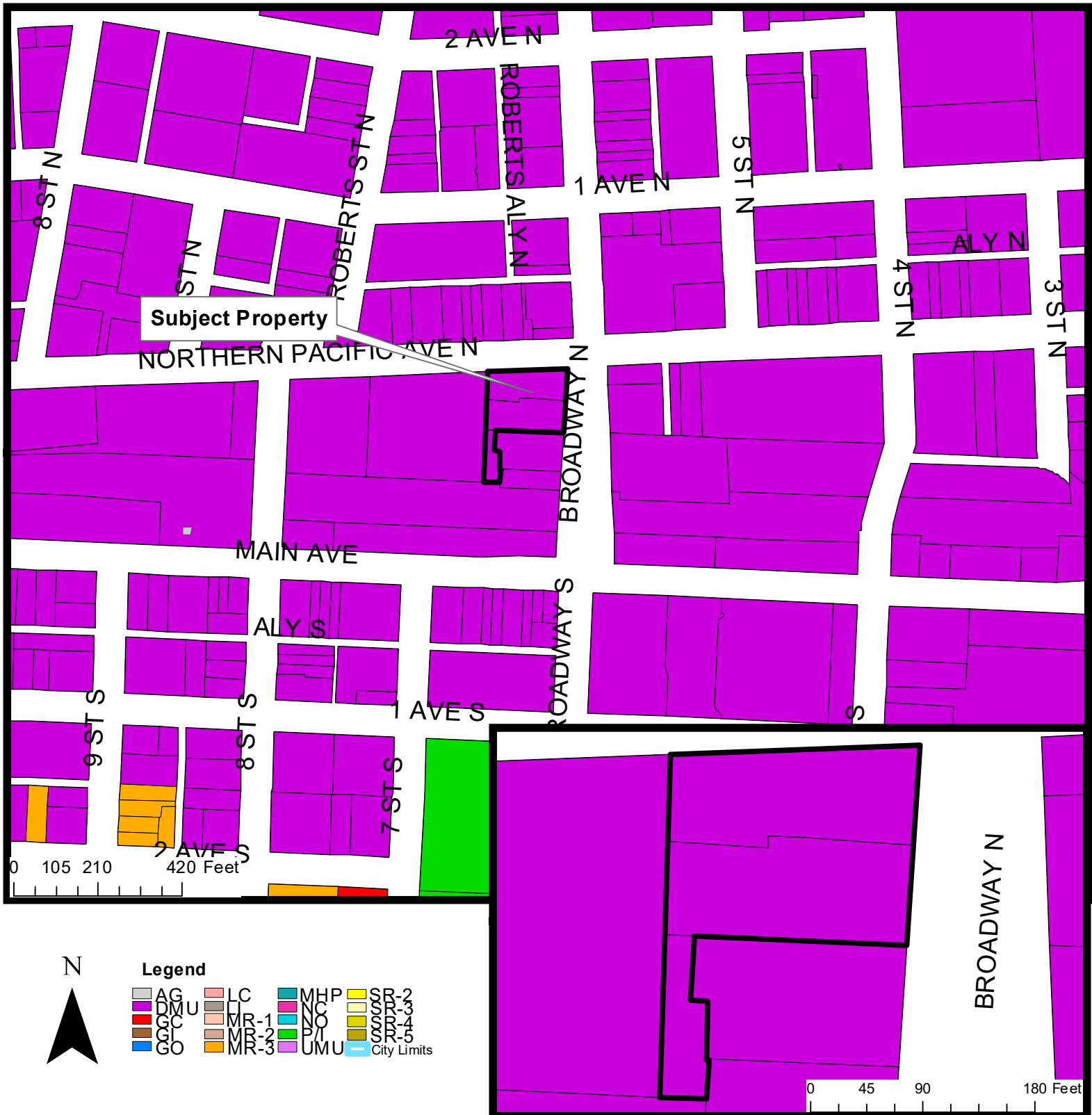
Attachments:

1. Zoning Map
2. Location Map
3. Preliminary Plat

Minor Subdivision

Old Broadway Addition

10A, 14, 16, and 22 Broadway North



Minor Subdivision

Old Broadway Addition

10A, 14, 16, and 22 Broadway North

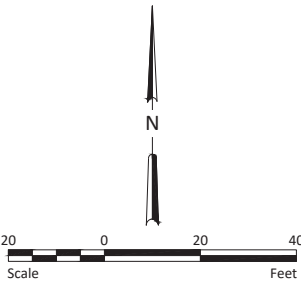


Legend

 City Limits

OLD BROADWAY ADDITION

A MINOR SUBDIVISION
BEING A PLAT OF PART OF THE NORTHWEST QUARTER OF SECTION 7,
T. 139 N., R. 48 W., 5th P.M.
TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA



LEGEND

IRON MONUMENT FOUND	●
1/2" I.D. PIPE OR BRASS PLUG SET	○
MEASURED BEARING	N00°00'00"E
PLAT BEARING	(N00°00'00"E)
MEASURED DISTANCE	100.00'
PLAT DISTANCE	(100.00')
PLAT BOUNDARY	—————
PLATTED LOT LINE	—————
EXISTING EASEMENT LINE	- - - - -
EXISTING PROPERTY LINE	—————
EXISTING TRACT BOUNDARY
EXISTING INGRESS/EGRESS EASEMENTS (DOCS. 986863, 1034258 & 1034259)	

BEARINGS SHOWN ARE BASED ON THE
CITY OF FARGO GROUND COORDINATE
SYSTEM, DECEMBER 1992.

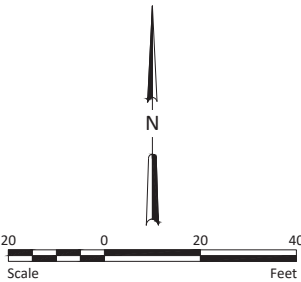
Line Table

Line #	Length	Direction
L21	2.88	N87°41'17"W

PRELIMINARY PLAT

OLD BROADWAY ADDITION

A MINOR SUBDIVISION
BEING A PLAT OF PART OF THE NORTHWEST QUARTER OF SECTION 7,
T. 139 N., R. 48 W., 5th P.M.
TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA



LEGEND	
IRON MONUMENT FOUND	●
1/2" I.D. PIPE OR BRASS PLUG SET	○
MEASURED BEARING	N00°00'00"E
PLAT BEARING	(N00°00'00"E)
MEASURED DISTANCE	100.00'
PLAT DISTANCE	(100.00')
PLAT BOUNDARY	_____
PLATTED LOT LINE	_____
EXISTING EASEMENT LINE	-----
EXISTING PROPERTY LINE	-----
EXISTING TRACT BOUNDARY
EXISTING ACCESS & STORM WATER EASEMENT (DOC. NO. 1710678)	[Pattern]

BEARINGS SHOWN ARE BASED ON THE
CITY OF FARGO GROUND COORDINATE
SYSTEM, DECEMBER 1992.

Line Table		
Line #	Length	Direction
L21	2.88	N87°41'17"W

ADDITIONAL DETAIL - EXISTING EASEMENTS



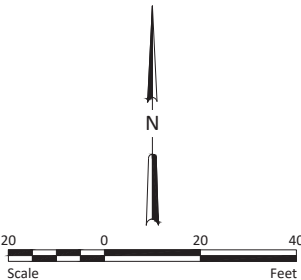
PRELIMINARY PLAT

Sheet 2 of 4
Project No. 8197-0002

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OLD BROADWAY ADDITION

A MINOR SUBDIVISION
BEING A PLAT OF PART OF THE NORTHWEST QUARTER OF SECTION 7,
T. 139 N., R. 48 W., 5th P.M.
TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA



LEGEND	
IRON MONUMENT FOUND	●
1/2" I.D. PIPE OR BRASS PLUG SET	○
MEASURED BEARING	N00°00'00"E
PLAT BEARING	(N00°00'00"E)
MEASURED DISTANCE	100.00'
PLAT DISTANCE	(100.00')
PLAT BOUNDARY	—————
PLATTED LOT LINE	—————
EXISTING EASEMENT LINE	- - - - -
EXISTING PROPERTY LINE	—————
EXISTING TRACT BOUNDARY
EXISTING UNDERGROUND UTILITY EASEMENT (DOC. NO. 1710678)	XXXXX

BEARINGS SHOWN ARE BASED ON THE
CITY OF FARGO GROUND COORDINATE
SYSTEM, DECEMBER 1992.

Line Table		
Line #	Length	Direction
L21	2.88	N87°41'17"W

ADDITIONAL DETAIL - EXISTING EASEMENTS



PRELIMINARY PLAT

Sheet 3 of 4
Project No. 8197-0002

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**A MINOR SUBDIVISION
BEING A PLAT OF PART OF THE NORTHWEST QUARTER OF SECTION 7,
T. 139 N., R. 48 W., 5th P.M.
TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA**

KNOW ALL PERSONS BY THESE PRESENTS: That Global Development, L.L.C., aka Global Development LLC, a North Dakota limited liability company, is the owner and proprietor of the following described tract of land:

Commencing at the northeast corner of said North West Quarter; thence South 87°53'56" West, along the northerly line of said Northwest Quarter, for a distance of 53.05 feet; thence South 04°08'02" West for a distance of 43.67 feet to the intersection of the southerly right-of-way line of Northern Pacific Avenue and the westerly right-of-way line of Broadway Street North in the said City of Fargo, being the True Point of Beginning; thence South 87°47'33" West, along the southerly right-of-way line of said Northern Pacific Avenue, for a distance of 205.03 feet to the northeast corner of Lot 2, Block 1, Global Development Addition; thence South 01°54'31" West, along the easterly line of said Lot 2, for a distance of 274.70 feet to the southeast corner of said Lot 2, said southeast corner also being the southwest corner of a tract of land described in Document No. 983303, on file at the Cass County Recorder's Office; thence South 87°39'22" East, along the southerly line of a tract of land described in said Document No. 983303, for a distance of 38.20 feet to the southeast corner of a tract of land described in said Document No. 983303; thence North 04°07'45" East, along the easterly line of a tract of land described in said Document No. 983303, for a distance of 30.43 feet to the southeast corner of a tract of land described in Document No. 1134247, on file at said Recorder's Office; thence North 87°41'17" West, along the southerly line of a tract of land described in said Document No. 1134247, for a distance of 2.88 feet to the southwest corner of a tract of land described in said Document No. 1134247; thence North 02°22'34" East, along the westerly line of a tract of land described in said Document No. 1134247, for a distance of 47.52 feet to the northwest corner of a tract of land described in said Document No. 1134247, said northwest corner lying on the southerly line of a tract of land described in Document No. 1084420, on file at said Recorder's Office; thence North 87°33'54" West, along the southerly line of a tract of land described in said Document No. 1084420, for a distance of 14.73 feet to the southwest corner of a tract of land described in said Document No. 1084420; thence North 03°53'46" East, along the westerly line of a tract of land described in said Document No. 1084420, for a distance of 52.00 feet to the northwest corner of a tract of land described in said Document No. 1084420; thence South 87°27'17" East, along the northerly line of a tract of land described in said Document No. 1084420, for a distance of 174.28 feet to a point of intersection with said westerly right-of-way line of Broadway Street North; thence North 04°08'02" East, along said westerly right-of-way line of Broadway Street North, for a distance of 161.71 feet to the True Point of Beginning.

Notary Public: _____

Notary Public: _____

Notary Public: _____

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City of Fargo Staff Report			
Title:	Barry's Addition	Date:	5/28/2025
Location:	1620, 1624, 1630, 1632, and 1666 1st Avenue North.	Staff Contact:	Donald Kress, current planning coordinator
Legal Description:	Lot 2, Block 1, Brewhalla Addition		
Owner(s)/Applicant:	MBA Investments, LLC / Kevin Bartram	Engineer:	RJN Surveys
Entitlements Requested:	Minor Subdivision (a replat of Lot 2, Block 1, Brewhalla Addition to the City of Fargo, Cass County, North Dakota)		
Status:	Planning Commission Public Hearing: June 3 rd , 2025		

Existing	Proposed
Land Use: Commercial, Residential, and Industrial	Land Use: No change
Zoning: GC, General Commercial with a Planned Unit Development (PUD)	Zoning: No change
Uses Allowed: Colleges, community service, daycare centers of unlimited size, detention facilities , health care facilities, parks and open space, religious institutions, safety services, basic utilities, adult establishment , offices, off-premise advertising , commercial parking, outdoor recreation and entertainment, retail sales and service, self-service storage, vehicle repair , limited vehicle service , basic utilities, and some telecommunication facilities Planned Unit Development (PUD) Ordinance No. 5295 prohibits certain uses and allows residential and industrial uses	Uses Allowed: No change.
Maximum Building Coverage Allowed: 85%	Maximum Lot Coverage Allowed: Unchanged

Proposal:
<p>The applicant requests one entitlement:</p> <ol style="list-style-type: none"> 1. A minor subdivision, to be known as Barry's Addition, replat of Lot 2, Block 1, Brewhalla Addition to the City of Fargo, Cass County, North Dakota <p>This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.</p> <p>Surrounding Land Uses and Zoning Districts:</p> <ul style="list-style-type: none"> • North: GC with commercial uses • East: LI, Limited Industrial with industrial uses • South, across BNSF railroad tracks: GC with commercial uses. • West: GC with commercial uses (Brewhalla) <p>(continued on next page)</p>

Context:

Schools: The subject property is located within the Fargo School District, specifically within the Roosevelt/Horace Mann Elementary, Ben Franklin Middle and Fargo North High schools.

Neighborhood: The subject property is located within the Madison/Unicorn Park Neighborhood. *(Note that even though the subject property is in the Madison/Unicorn Park neighborhood, it is within the Roosevelt/Horace Mann elementary school attendance area. The attendance area boundary between Roosevelt/Horace Mann and Madison is approximately 200 feet to the west of the subject property)*

Parks: Unicorn Park, 1603 3rd Avenue North, located approximately 0.16 miles north of the subject property, provides amenities of basketball courts, grill and picnic tables, a playground, recreational trails and a warming house.

Pedestrian / Bicycle: There are no shared use paths adjacent to the subject property.

Transit: The subject property is not along a MATBus route.

Staff Analysis:

The PUD for this property was created in April, 2021, rezoning portions of Reeves Addition, Milwaukee Addition, and Section 1, T139N, R49W. Brewhalla Addition was platted over this area in May, 2021.

The PUD created a residential/commercial/industrial mixed use project. Lot 2, Block 1, Brewhalla Addition includes all three of these uses. The applicant now wants to separate the individual businesses and uses on Lot 2 into four individual lots.

CORE NEIGHBORHOODS MASTER PLAN

The subject property is within the Madison/Unicorn Park neighborhood covered by the Core Neighborhoods Master Plan. No change to the plan designation is proposed. The Madison/Unicorn Park implementation brief does not address subdivisions of existing developed properties.

SUBDIVISION

The subdivision plat divides the existing Lot 2, Block 1, Brewhalla Addition into four lots, created to separate the individual uses on that lot. All four new lots are within the original boundary of Lot 2, Block 1, Brewhalla Addition. The applicant will be updating the plat with shared access and utility easements.

The individual uses on the proposed lots are summarized in the chart below.

Lot Number	Business Name	Use Type
1	Private residence	Household living
2	Interoffice; Railyard Offices	Retails Sales and Service; Office
3	Empower; Drekker Brewing; Interoffice	Retail sales and service; warehouse
4	Drekker Brewing	Manufacturing and production (brewery)

ZONING—PLANNED UNIT DEVELOPMENT

The properties are zoned GC, General Commercial with a PUD, Planned Unit Development. The PUD was established by Ordinance No. 5295 in 2021. Staff has evaluated the PUD in relation to the proposed subdivision and determined that no amendment to the PUD overlay or PUD master land use plan is required. The PUD will continue in effect on the newly platted lots.

Minor Subdivision

The LDC stipulates that the following criteria is met before a minor plat can be approved:

1. **Section 20-0907.B.3 of the LDC stipulates that the Planning Commission recommend approval or denial of the application, based on whether it complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code. Section 20-0907.B.4 of the LDC further stipulates that a Minor Subdivision Plat shall not be approved unless it is located in a zoning district that allows the proposed development and complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.**

This subdivision is intended to replat one existing lots into a four-lot, one block subdivision. The properties within this plat are currently zoned GC, General Commercial with a PUD, planned unit development. No change to the zoning is proposed. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has not received any comments or inquiries about the application. Staff has reviewed this request and finds that this application complies with standards of Article 20-06 and all applicable requirements of the Land Development Code.

(Criteria Satisfied)

2. **Section 20-0907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.**

While this section of the LDC specifically addresses only major subdivision plats, staff believes it is important to note that any public improvements associated with the project (whether rehabilitation of existing infrastructure or new proposed improvements) will be funded in accordance with the City's Infrastructure Funding Policy, which may include the use of special assessments.

(Criteria Satisfied)

Staff Recommendation:

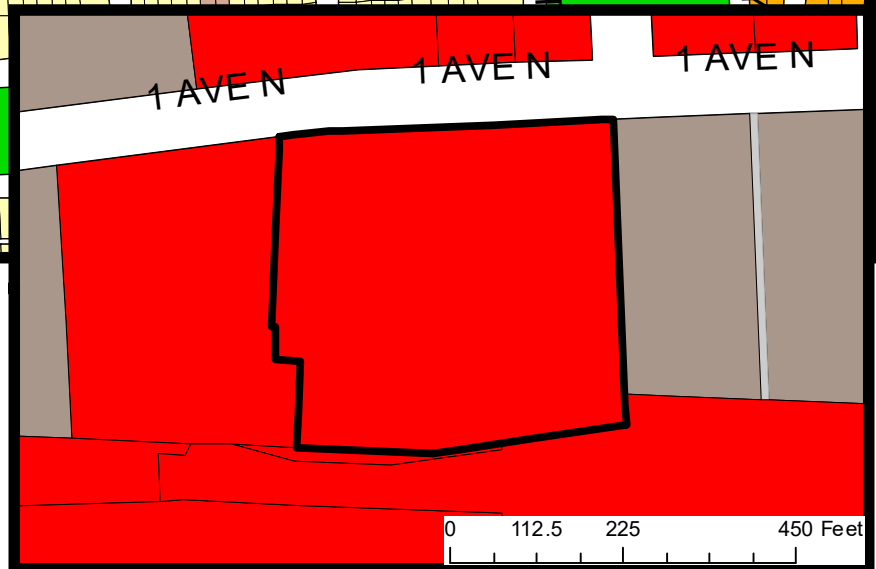
Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission the proposed subdivision plat, **Barry's Addition** as outlined within the staff report, as the proposal complies with the standards of Section 20-0907.B & C, standards of Article 20-06, Core Neighborhoods Master Plan—Madison/Unicorn Park, and all other applicable requirements of the Land Development Code."

Planning Commission Recommendation: June 3rd, 2025

Attachments:

1. Zoning map
2. Location map
3. Preliminary plat

1620, 1624, 1630, 1632, and 1666 1st Avenue North



Minor Subdivision

Barry's Addition

1620, 1624, 1630, 1632, and 1666 1st Avenue North

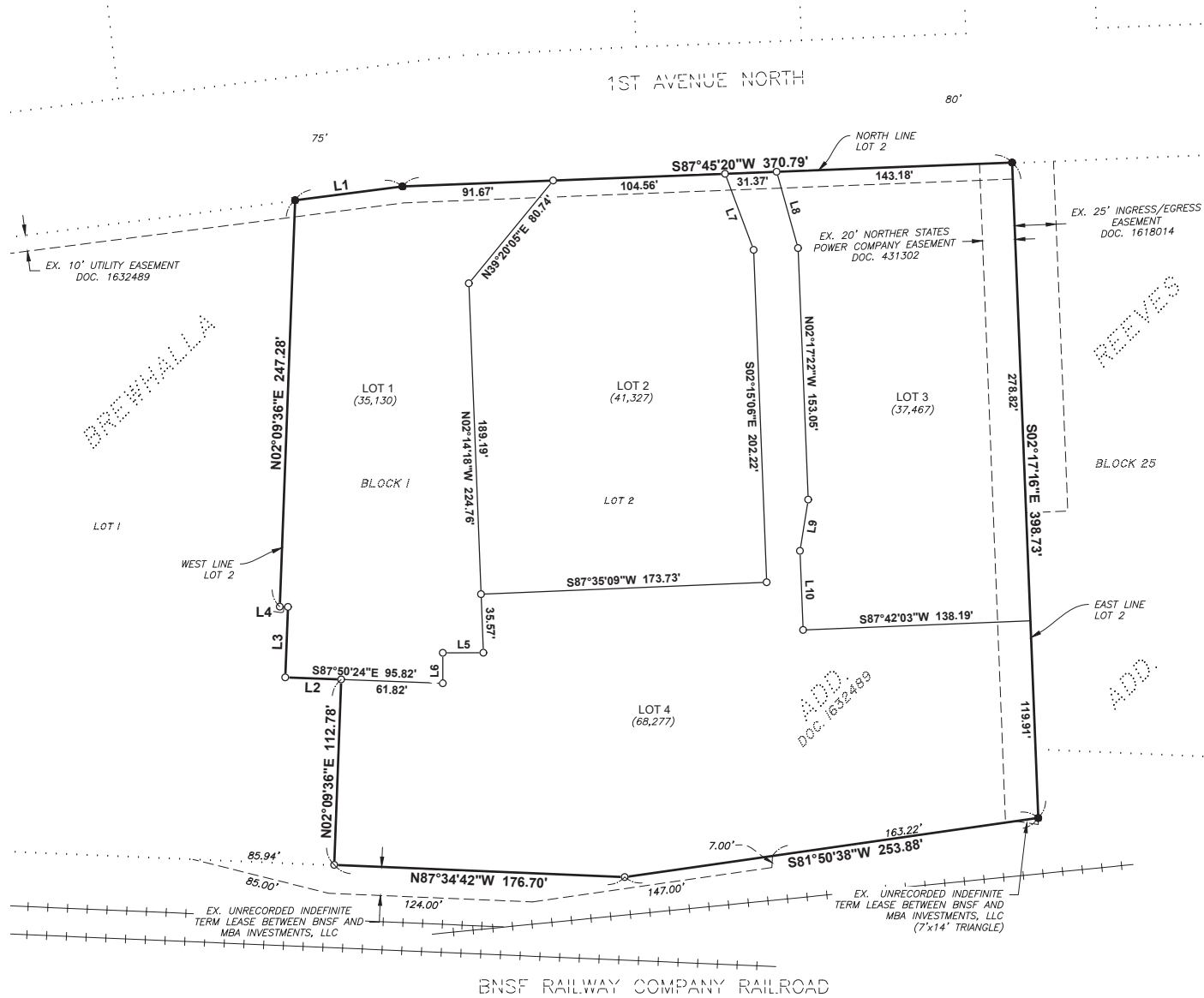


Legend

 City Limits

BARRY'S ADDITION

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
BEING A REPLAT OF LOT 2, BLOCK 1 OF BREWHALLA ADDITION TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA
(A MINOR SUBDIVISION)



OWNER'S CERTIFICATE

KNOW ALL PERSONS BY THESE PRESENTS, MBA Investments LLC, a North Dakota limited liability company, being the owners of Lot 2, Block 1 of BREWHALLA ADDITION to the City of Fargo, Cass County, North Dakota, being more particularly described as follows:

All of Lot 2, Block 1 of BREWHALLA ADDITION to the City of Fargo, according to the recorded plat thereof on file and of record in the Office of the County Recorder, Cass County, North Dakota.

Containing 4.18 acres, more or less and is subject to Easements, Reservations, Restrictions and Rights-of-Way of record.

Said owners of the above described property, have caused the same to be surveyed and platted as "BARRY'S ADDITION" to the City of Fargo, Cass County, North Dakota.

OWNER

MBA Investments LLC

Kevin Bartam, President

State of _____)

County of _____) SS

On this ____ day of _____, 20____, before me personally appeared Kevin Bartam, President, West 45th Business Center LLC, a North Dakota limited liability company, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of said company.

Notary Public: _____

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

I, Joshua J. Nelson, Professional Land Surveyor under the laws of the State of North Dakota, do hereby certify that this plat is a true and correct representation of the survey of said subdivision; that the monuments for the guidance of future surveys have been located or placed in the ground as shown.

Dated this ____ day of _____, 20____.

Joshua J. Nelson, PLS
Professional Land Surveyor
Registration No. LS-27292

State of North Dakota)

County of Cass) SS

On this ____ day of _____, 20____, appeared before me, Joshua J. Nelson, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that he executed the same as his own free act and deed.

Notary Public: _____

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

Approved by the City Engineer this ____ day of _____, 20____.

Tom Knakmuhs, P.E.
City Engineer

State of North Dakota)

County of Cass) SS

On this ____ day of _____, 20____, before me, a notary public in and for said county, personally appeared Tom Knakmuhs, P.E., City Engineer, known to me to be the person described in and who executed the same as a free act and deed.

Notary Public: _____

FARGO CITY COMMISSION APPROVAL

Approved by the Board of Commissioners and ordered filed this ____ day of _____, 20____.

Timothy J. Mahoney
Mayor

Attest: _____
Steven Sprague, City Auditor

State of North Dakota)

County of Cass) SS

On this ____ day of _____, 20____, before me, a notary public in and for said county, personally appeared Timothy J. Mahoney, Mayor, and Steven Sprague, City Auditor, known to me to be the persons described in and who executed the same as a free act and deed.

Notary Public: _____

CITY OF FARGO PLANNING COMMISSION APPROVAL

Approved by the City of Fargo Planning Commission this ____ day of _____, 20____.

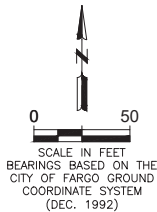
Maranda R. Tasa
Planning Commission Chair

State of North Dakota)

County of Cass) SS

On this ____ day of _____, 20____, before me, a notary public in and for said county, personally appeared Maranda R. Tasa, Planning Commission Chair, known to me to be the person described in and who executed the same as a free act and deed.

Notary Public: _____



NOTES

- GROUND DISTANCES ARE SHOWN AND ARE IN TERMS OF U.S. SURVEY FEET.

LINE TABLE		
#	DISTANCE	BEARING
L1	65.76	N82°41'08"E
L2	34.00	N87°50'24"W
L3	42.83	N02°09'36"E
L4	5.00	N87°50'24"W
L5	24.67	N89°41'53"E
L6	18.49	N00°10'48"W
L7	49.36	S20°35'05"E
L8	48.19	S15°42'18"E
L9	31.57	S09°01'57"W
L10	48.07	S02°17'22"E

LEGEND

- SET 5/8" REBAR CAP LS 27292
- FOUND MONUMENT
- (5,000) PLAT LOT AREAS (SQ. FT.)
- SURVEYED/PLAT BOUNDARY
- PLAT INTERIOR LOT LINES
- NEW EASEMENT
- ORIGINAL PLATTED LINE
- EXISTING EASEMENT LINE



1218 55th Street North
Fargo, ND 58102
Email: josh@rjnsurvey.com

City of Fargo Staff Report			
Title:	Prairie Crossing Addition	Date:	May 20, 2025
Location:	3910 25 Street South	Staff Contact:	Chelsea Levorsen, Planner
Legal Description:	Lot 21, Block 13, Prairie Crossing Addition		
Owner(s)/Applicant:	Lake Two Properties, LLC	Engineer:	
Entitlements Requested:	Zoning Change (from SR-2, Single Dwelling Residential to P/I, Public and Institutional) with C-O, Conditional Overlay		
Status:	Planning Commission Public Hearing: June 3, 2025		

Existing	Proposed
Land Use: Commercial	Land Use: Community Service
Zoning: SR-2, Single Dwelling Residential	Zoning: P/I, Public and Institutional) with C-O, Conditional Overlay
Uses Allowed: Allows detached houses, daycare centers up to 12 children, parks and open space, religious institutions, safety services, schools, and basic utilities	Uses Allowed: Allows colleges, community service, daycare centers of unlimited size, detention facilities , health care facilities, parks and open space, religious institutions, safety services, schools, offices, commercial parking, outdoor recreation and entertainment, industrial service, manufacturing and production, warehouse and freight movement, waste related use , agriculture, aviation, surface transportation, and major entertainment events.
Maximum Density: 5.4 units per acre	Maximum Density Allowed (Residential): N/A

Proposal:
<p>The applicant requests one entitlement:</p> <ol style="list-style-type: none"> Zone Change from SR-2, Single Dwelling Residential to P/I, Public and Institutional with C-O, Conditional Overlay. <p>This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.</p> <p>Surrounding Land Uses and Zoning Districts:</p> <ul style="list-style-type: none"> North: Rental housing, zoned SR-4 East: Single family homes, zoned SR-2 South: Single family homes, zoned SR-2 West: Single family homes, zoned SR-2

Area Plans:

The subject property is zoned SR-2, single dwelling residential and located within the Southpoint neighborhood. The 2024 Fargo Growth Plan designates this area as a Suburban Neighborhood place type with primary uses listed as small to medium lot, single-family detached housing, townhomes (with limited massing up to four units per building), duplex, triplex, quadplex, ADU's, places of worship, schools, daycare centers, and home office.

Previously, this property has been a church, then a school. The proposed zoning, P/I, Public and Institutional, would be consistent with these land uses and place types.

Context:

Neighborhood: The subject property is located within the Southpoint Neighborhood.

Schools: The subject property is located within the Fargo school district, specifically in the Eagles Elementary, Discovery Middle, and Davies High Schools.

Parks: Centennial Park is adjacent to the subject property to the Southwest. Centennial Park amenities include; baseball and softball fields, a basketball court, playground, soccer field, and restrooms. An outdoor skating rink and warming house are available during the winter months.

Pedestrian / Bicycle: The subject property is adjacent (along 40th Avenue South and 25th Street South) to the area network of shared-use paths.

Transit: The subject property is not located along a MATBUS route. Route 14 travels East/West along 32nd avenue and Route 18 travels North/South along 25th Street, turning onto 32nd Avenue. The corner of 32nd Avenue South and 25th Street South is one mile north of the subject property. Route 18 provides service to the South Walmart, Route 14 provides service to West Acres Mall, and both routes provide service to Downtown and the Ground Transportation Center.

Staff Analysis:



Site History: Friendship United Methodist Church constructed the 8,313 sf building in 1998. Capstone Classical Academy occupied the facility from 2022 to 2024. Currently, the building is vacant. Gathering Farm Garden, one of Growing Together Community Gardens garden plots is also located on this site.

Memory Café of the Red River Valley, founded in 2017, is looking to expand their services and relocate to the subject property, located at 3901 25th Street South.

Memory Café is a registered 501c3 nonprofit organization that provides education, programs, and support to individuals and their families living with Alzheimer's disease or related dementia. All services are free of cost and open to all persons living with memory loss. Given the services provided, Planning Staff would categorize Memory Café as *Community Service* use.

Section 20-12.F.2.a characterizes community service uses as “a public, nonprofit, or charitable nature generally providing a local service to people of the community. Generally, they provide the service on-site or have employees at the site on a regular basis. The service is ongoing, not just for special events. The use may provide counseling, education, or training of a public, nonprofit, or charitable nature.”

The subject property is currently zoned SR-2, Single Dwelling Residential and community service uses are permitted by Conditional Use Permit. Since Memory Café would be obtaining the entire property, Staff recommends the property be rezoned to P/I, Public and Institutional with a Conditional Overlay. Rezoning to P/I will accommodate the current land use (Community garden plot, should it continue) and the proposed land use (Memory Café). The addition of a Conditional Overlay will limit future land uses and protect the integrity of the surrounding residential neighborhoods.

Zoning

Section 20-906. F (1-4) of the LDC stipulates the following criteria be met before a zone change can be approved:

1. Is the requested zoning change justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map?

Staff is unaware of any error in the zoning map as it relates to this property. The property is currently zoned SR-2, Single Dwelling Residential. The applicant requests a zoning change to P/I, Public and Institutional with a C-O, Conditional Overlay prohibiting certain uses.

(Criteria Satisfied)

2. Are the City and other agencies able to provide the necessary public services, facilities, and programs to serve the development allowed by the new zoning classifications at the time the property is developed?

City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. The subject property fronts on an existing public right-of-way. **(Criteria satisfied)**

3. Will the approval of the zoning change adversely affect the condition or value of the property in the vicinity?

Staff has no documentation or evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, Planning staff has received two inquiries, both with no noted concern. Staff finds that the approval of the zoning change will not adversely affect the condition or value of the property in the vicinity. **(Criteria satisfied)**

4. Is the proposed amendment consistent with the purpose of this LDC, the Growth Plan, and other adopted policies of the City?

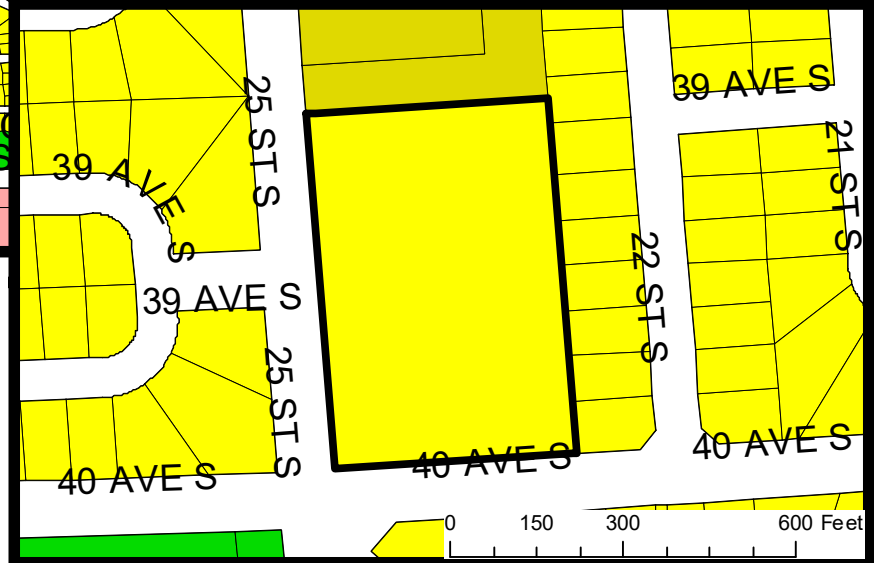
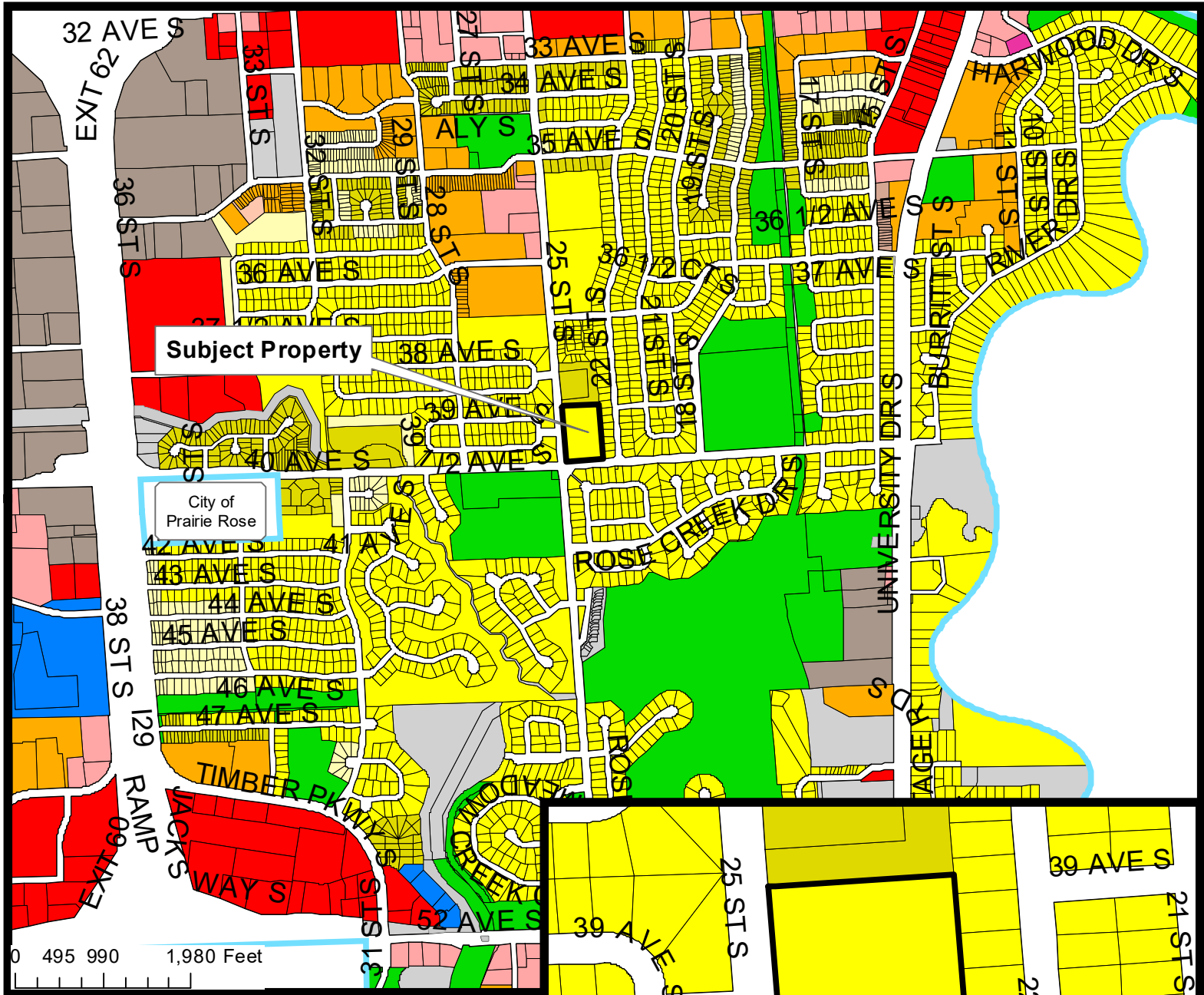
The LDC states “This Land Development Code is intended to implement Fargo’s Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo.” Fargo’s Growth Plan 2024 was adopted on August 19th, 2024. The proposed zoning of P/I, Public and Institutional is consistent with the designated future land use and place type for this property under the 2024 Growth Plan, as noted above. **(Criteria satisfied)**

Staff Recommendation:
Suggested Motion: "To accept the findings and recommendations of staff and recommend approval to the City Commission of the proposed zoning change from SR-2, Single Dwelling Residential to P/I, Public and Institutional with a C-O, Conditional Overlay as outlined in the staff report, as the proposal complies with the 2024 Growth Plan, Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC."
Planning Commission Recommendation: June 3, 2025
Attachments:
<ol style="list-style-type: none"> 1. Zoning Map 2. Location Map 3. Draft Conditional Overlay

Zone Change from SR-2, Single-Dwelling Residential to P/I, Public/Institutional with C-O, Conditional Overlay

Prairie Crossing Addition

3910 25th Street South



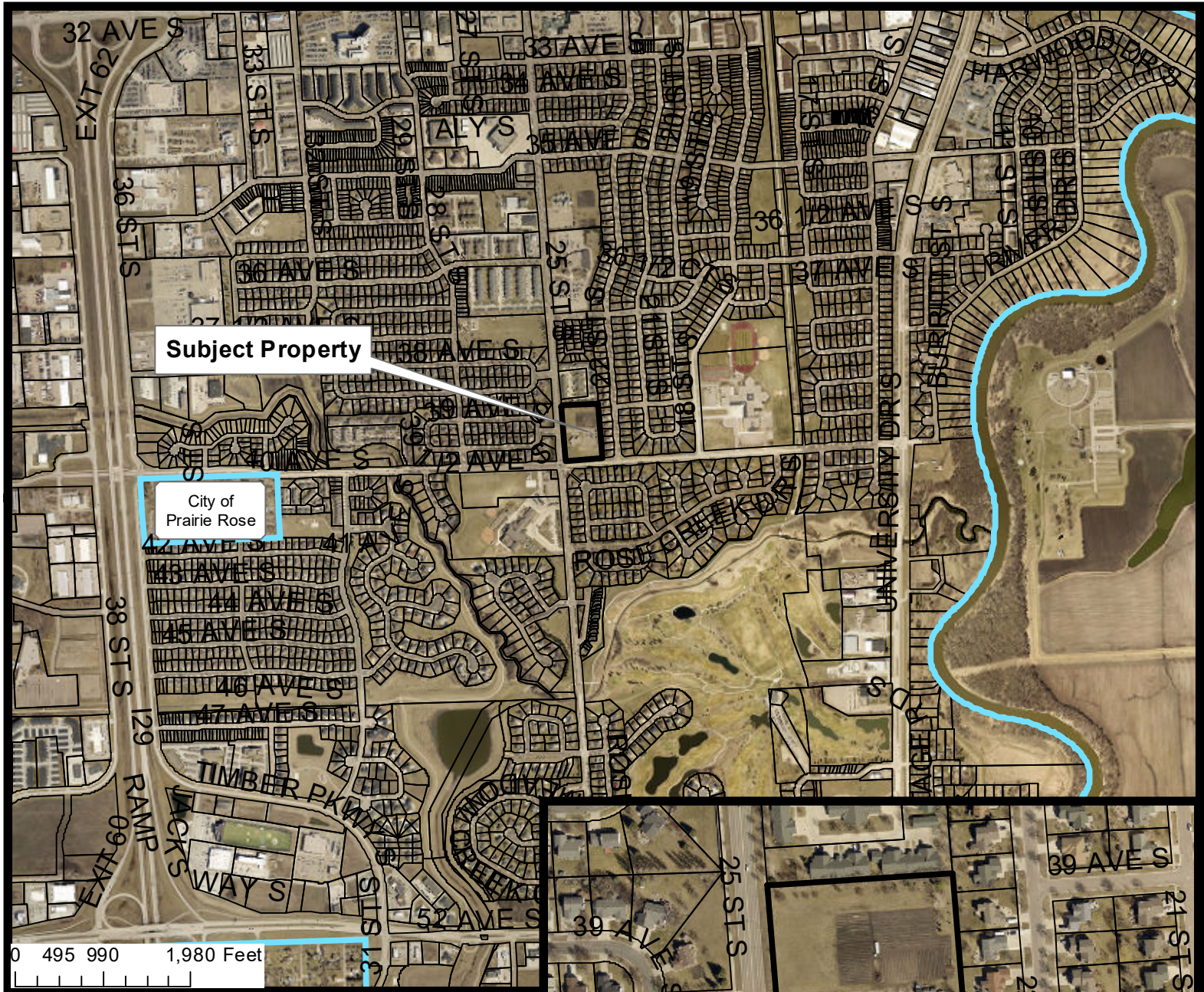
Legend

AG	LC	MHP	SR-2
DMU	MR-1	NOC	SR-3
GO	MR-2	P/I	SR-4
	MR-3	UMU	SR-5
			City Limits

Zone Change from SR-2, Single-Dwelling Residential
to P/I, Public/Institutional with C-O, Conditional Overlay

Prairie Crossing Addition

3910 25th Street South



Legend

City Limits

Conditional Overlay Items
Lot 21, Block 13, Prairie Crossing Addition
3910 25 Street South

1. Description: This Conditional Overlay is intended to limit the uses allowed on the property than otherwise permitted in the P/I, Public and Institutional Zoning district.
2. As to the Use Categories applicable to the base, "P/I", zoning district, the following uses are prohibited.
 - a. Colleges and Universities
 - b. Detention Centers
 - c. Commercial Parking
 - d. Outdoor Recreation and Entertainment
 - e. Industrial Service
 - f. Manufacturing and Production
 - g. Warehouse and Freight Movement
 - h. Waste-related use
 - i. Aviation
 - j. Surface Transportation
 - k. Major Entertainment Events
3. Prohibited Signage. The following signs are prohibited:
 - a. Portable Signs; as defined by section 20-1308 of the Land Development Code

**City of Fargo
Staff Report**

Title:	Family Healthcare Center Addition	Date:	5/28/2025
Location:	301, 307, 309, 313 Northern Pacific Avenue North	Staff Contact:	Alayna Espeseth, Assistant Planner
Legal Description:	Lots 6-12, Block 3, Keeney & Devitt's Addition		
Owner(s)/Applicant:	Family Healthcare Center	Engineer:	Houston Engineering Inc.
Entitlements Requested:	Minor Subdivision (Replat of Lots 6-12, Block 3, Keeney & Devitts Addition, to the City of Fargo, Cass County, North Dakota.)		
Status:	Planning Commission Public Hearing: June 3, 2025		

Existing	Proposed
Land Use: Medical Office	Land Use: No Change
Zoning: DMU, Downtown Mixed-Use	Zoning: No Change
Uses Allowed: DMU, Downtown Mixed-Use allows detached houses, attached houses, duplexes, multi-dwelling structures, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, commercial parking, retail sales and service, vehicle repair, limited vehicle service, and major entertainment events.	Uses Allowed: No Change
Maximum Lot Coverage Allowed: 100%	Maximum Lot Coverage Allowed: No Change

Proposal:

The applicant has requested one entitlement:

1. A minor subdivision, entitled **Family Healthcare Center Addition**, a replat of Lots 6-12, Block 3, Keeney & Devitts Addition, to the City of Fargo, Cass County, North Dakota.

Surrounding Land Uses and Zoning Districts:

- North: DMU, Downtown Mixed-Use with Vehicle Repair;
- East: DMU, Downtown Mixed-Use with Office;
- South: DMU, Downtown Mixed-Use with Household Living and Office;
- West: DMU, Downtown Mixed-Use with Parking, Commercial.

Area Plans:

The Fargo Growth Plan 2024 designates the place type of the subject property as Downtown / Core. The Downtown InFocus plan identifies the property for commercial. The current zoning is DMU, Downtown Mixed-Use, which matches this place type designation.

Context:

Neighborhood: The subject property is located within the Downtown Neighborhood.

Schools: The subject property is located within the Fargo School District and is served by Horace Mann and Roosevelt elementary, Ben Franklin middle and North high schools.

Parks: The subject property is located approximately 0.25 miles south from Broadway Square. Amenities include green space in the summer, picnic tables, live music, kid friendly events, ice rink in the winter, and warming houses. The subject property is also located approximately 0.25 miles north of Island Park. Amenities include outdoor pool, basketball courts, cross country ski trails, grill, handball court, picnic tables, playgrounds for ages 2-5, and 5-12, recreational trails, restrooms, a shelter that can be reserved and tennis courts.

Pedestrian / Bicycle: There is a bike lane on both the north and south sides of Northern Pacific Avenue North directly south of the subject property.

MATBUS: The Ground Transportation Center (GTC) is located at 502 Northern Pacific Drive North approximately 0.8 miles from the subject property.

Staff Analysis:

The Family Healthcare Center is seeking a minor subdivision plat to combine seven underlying lots into a single lot of approximately 0.56 acres. These were platted in 1882 as part of Keeney & Devitts Addition. These lots have existing structures. The Family Healthcare Center occupies these structures and have proposed to connect the buildings with a passage way. The reason for combining the lots is so that the proposed passage to connect the structures is not crossing lot lines. The current use of the building is Medical Office and is not changing.

Note that the underlying seven lots have been deed-combined into three lots. Deed combines are a method some land owners historically used to formalize tax parcel changes. Deed-combined lots are not platted lots.

City staff and the applicant are working on an encroachment agreement for the ADA ramp that is encroaching south into City Right-Of-Way along Northern Pacific Avenue North.

The proposed subdivision was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

Minor Subdivision

The LDC stipulates that the following criteria is met before a minor plat can be approved:

1. **Section 20-0907.B.3 of the LDC stipulates that the Planning Commission recommend approval or denial of the application, based on whether it complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code. Section 20-0907.B.4 of the LDC further stipulates that a Minor**

Subdivision Plat shall not be approved unless it is located in a zoning district that allows the proposed development and complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.

The current zoning of the subject property is DMU, Downtown Mixed-Use and no zone change is proposed. The zoning is consistent with the Fargo Growth Plan 2024 designation of “Downtown / Core” place type and Downtown InFocus plan for “commercial”. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, Planning staff has received zero inquiries about the proposal. The project has been reviewed by the city’s Planning, Engineering, Public Works, Inspections, and Fire Departments. **(Criteria Satisfied)**

- 1. Section 20-0907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.**

While this section of the LDC specifically addresses only major subdivision plats, staff believes it is important to note that any public improvements associated with the project (whether rehabilitation of existing infrastructure or new proposed improvements) will be funded in accordance with the City’s Infrastructure Funding Policy, which may include the use of special assessments. **(Criteria Satisfied)**

Staff Recommendation:

Suggested Motion: “To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed subdivision plat, **Family Healthcare Center Addition** as outlined within the staff report, as the proposal complies with the Fargo Growth Plan 2024, Downtown InFocus Plan, the standards of Article 20-06, Section 20-0907.B and C of the LDC, and all other applicable requirements of the Land Development Code”.

Planning Commission Recommendation: June 3, 2025

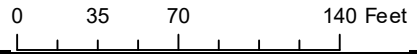
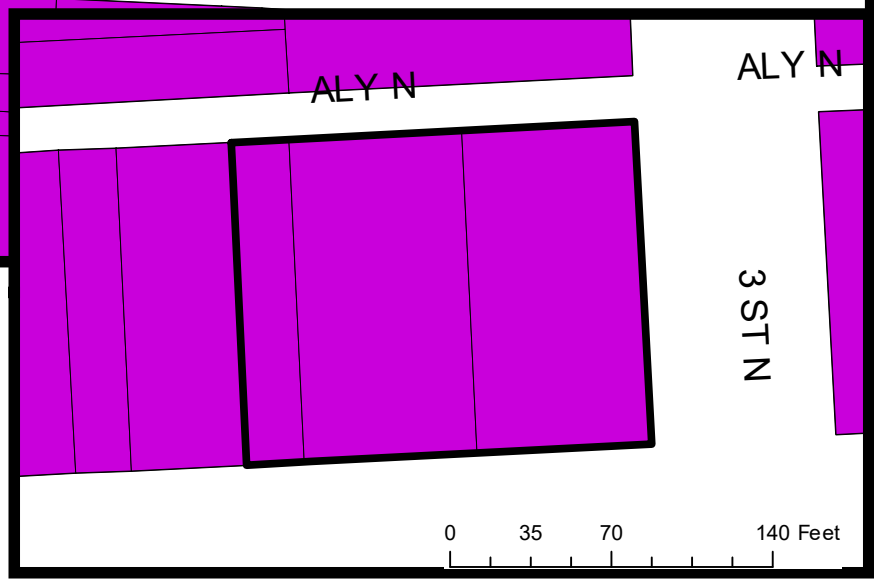
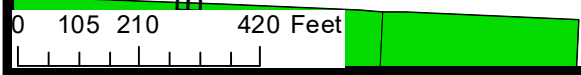
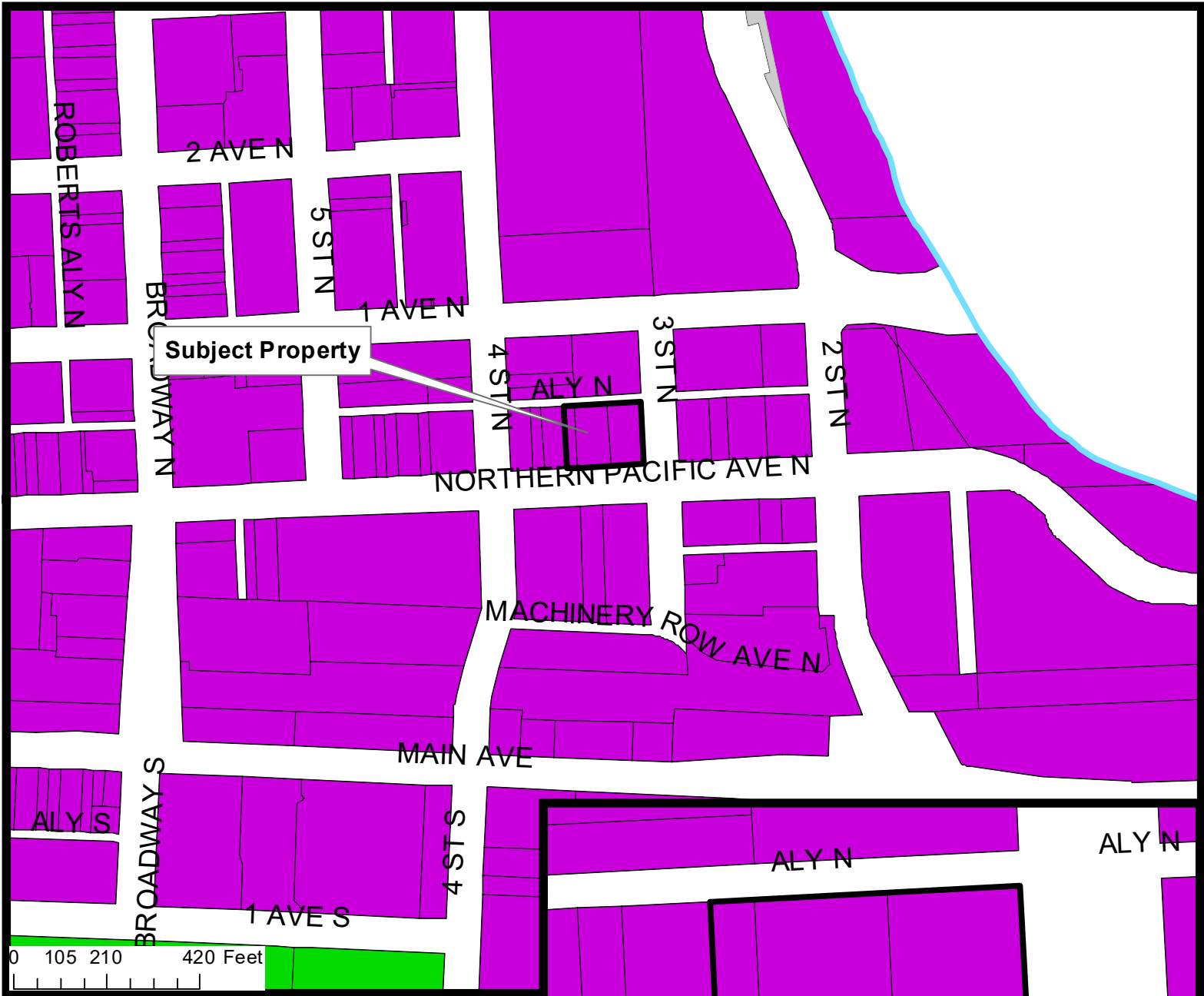
Attachments:

1. Zoning Map
2. Location Map
3. Preliminary Plat

Minor Subdivision

Family Healthcare Center Addition

301, 307, 309, and 313
Northern Pacific Avenue North



Legend

AG	LC	MHP	SSP-2
DMU	LI	NNO	SSP-3
GCC	MR-1	NO	SSP-4
GO	MR-2	PI	SSP-5
	MR-3	UMU	City Limits

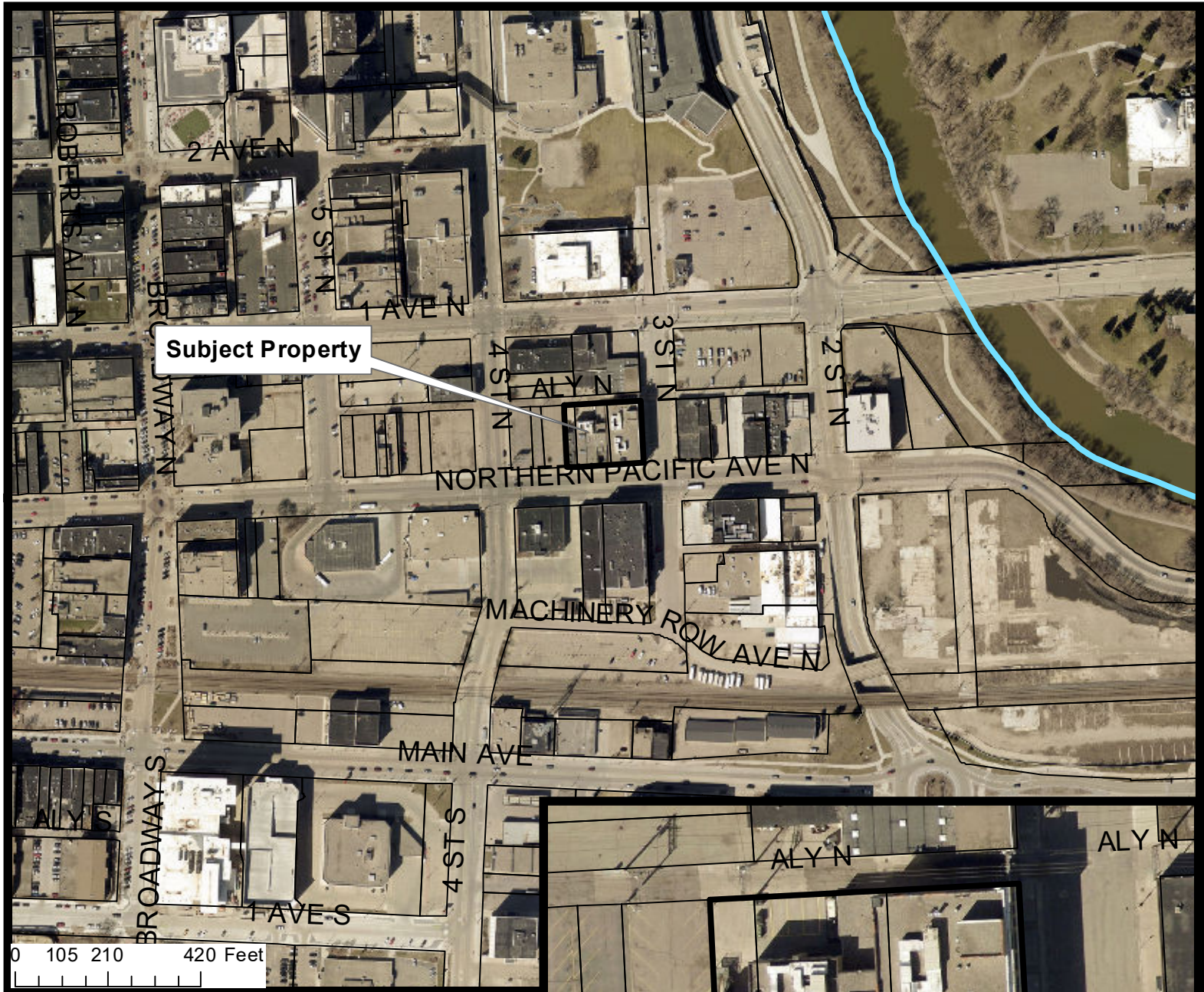


Fargo Planning Commission
June 3, 2025

Minor Subdivision

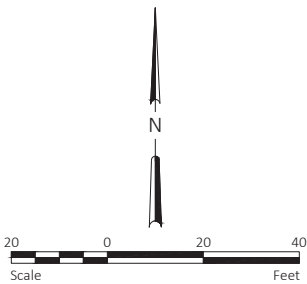
Family Healthcare Center Addition

301, 307, 309, and 313
Northern Pacific Avenue North



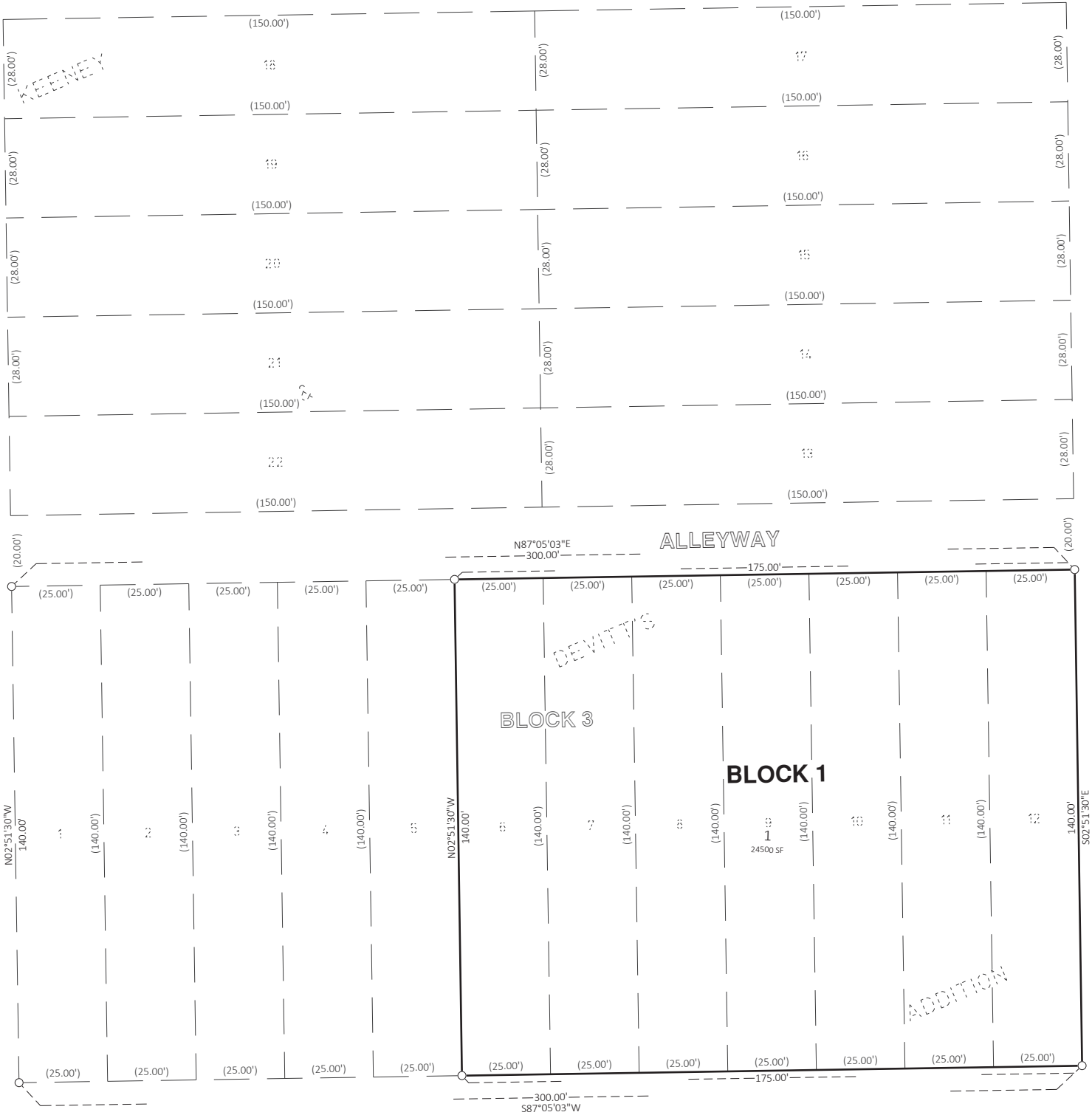
FAMILY HEALTHCARE CENTER ADDITION

A MINOR SUBDIVISION
BEING A REPLAT OF LOTS 6, 7, 8, 9, 10, 11 & 12, BLOCK 3, KEENEY & DEVITT'S ADDITION
TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA



LEGEND	
IRON MONUMENT FOUND	●
1/2" I.D. PIPE SET	○
MEASURED BEARING	N00°00'00"E
PLAT BEARING	(N00°00'00"E)
MEASURED DISTANCE	100.00'
PLAT DISTANCE	(100.00')
PLAT BOUNDARY	—————
PLATTED LOT LINE	—————
EXISTING EASEMENT LINE	- - - - -
NEW EASEMENT LINE	- - - - -

BEARINGS SHOWN ARE BASED ON THE
CITY OF FARGO GROUND COORDINATE
SYSTEM, DECEMBER 1992.



3RD STREET N

4TH STREET N

NORTHERN PACIFIC AVENUE N

SECTION LINE

PRELIMINARY PLAT

FAMILY HEALTHCARE CENTER ADDITION
A MINOR SUBDIVISION
BEING A REPLAT OF LOTS 6, 7, 8, 9, 10, 11 & 12, BLOCK 3, KEENEY & DEVITT'S ADDITION
TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA

OWNER'S CERTIFICATE AND DEDICATION:

KNOW ALL PERSONS BY THESE PRESENTS: That Family Healthcare Center, a North Dakota nonprofit corporation is the owner and proprietor of the following described tract of land:

Lots 6, 7, 8, 9, 10, 11 & 12, Block 3, Keeney & Devitt's Addition to the City of Fargo, Cass County, North Dakota.

Said tract contains 0.562 acres, more or less.

And that said party has caused the same to be surveyed and platted as FAMILY HEALTHCARE CENTER ADDITION to the City of Fargo, Cass County, North Dakota.

OWNER:

Family Healthcare Center, a North Dakota nonprofit corporation

Margaret Asheim, Chief Execute Officer

State of)
) ss
County of)

On this day of , 20 before me personally appeared Margaret Asheim, Chief Execute Officer of Family Healthcare Center, a North Dakota nonprofit corporation, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that she executed the same on behalf of said limited liability partnership.

Notary Public:

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:

I, Curtis A. Skarphol, Professional Land Surveyor under the laws of the State of North Dakota, do hereby certify that this plat is a true and correct representation of the survey of said subdivision; that the monuments for the guidance of future surveys have been located or placed in the ground as shown.

Dated this day of , 20.

Curtis A. Skarphol, Professional Land Surveyor No. 4723

State of North Dakota)
) ss
County of Cass)

On this day of , 20 before me personally appeared Curtis A. Skarphol, Professional Land Surveyor, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same as his free act and deed.

Notary Public:

CITY ENGINEER'S APPROVAL:

Approved by the Fargo City Engineer this day of , 20.

Tom Knakmuhs, PE, City Engineer

State of North Dakota)
) ss
County of Cass)

On this day of , 20 before me personally appeared Tom Knakmuhs, PE, Fargo City Engineer, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same as City Engineer.

Notary Public:

FARGO PLANNING COMMISSION APPROVAL:

Approved by the City of Fargo Planning Commission this day of , 20.

Maranda R. Tasa, Chair
Fargo Planning Commission

State of North Dakota)
) ss
County of Cass)

On this day of , 20 before me personally appeared Maranda R. Tasa, Chair, Fargo Planning Commission, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that she executed the same on behalf of the Fargo Planning Commission.

Notary Public:

FARGO CITY COMMISSION APPROVAL:

Approved by the Board of City Commissioners and ordered filed this day of , 20.

Timothy J. Mahoney, Mayor

Attest: Steven Sprague, City Auditor

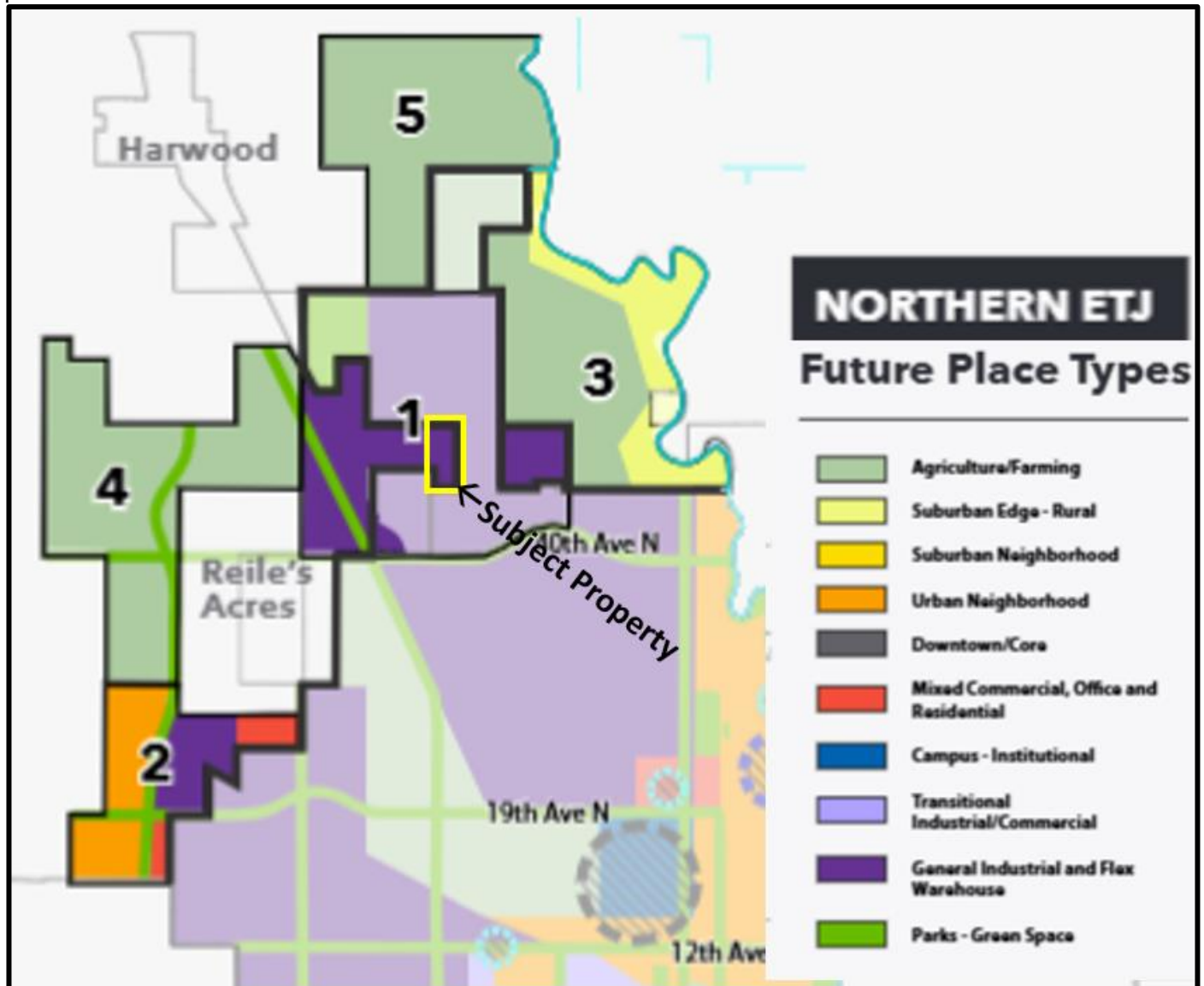
State of North Dakota)
) ss
County of Cass)

On this day of , 20 before me personally appeared Timothy J. Mahoney, Mayor, City of Fargo; and Steven Sprague, City Auditor, City of Fargo, known to me to be the persons who are described in and who executed the within instrument and acknowledged to me that they executed the same on behalf of the City of Fargo.

Notary Public:

City of Fargo Staff Report			
Title:	Annexation of a portion of the west half of the northwest quarter of Section 14, Township 140 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota		Date: 5/28/2025
Location:	3336 52 nd Avenue North	Staff Contact:	Donald Kress, Planning Coordinator
Legal Description:	Portion of the west half of the northwest quarter of Section 14, Township 140 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota		
Owner(s)/Applicant:	County 20 Storage & Transfer, Inc. / Lowry Engineering	Engineer:	Lowry Engineering/ Neset Land Surveys
Entitlements Requested:	Planning Commission review of consistency with Fargo Growth Plan 2024		
Status:	Planning Commission review June 3 rd , 2025		
Proposal:			
<p>The applicant requests one entitlement:</p> <ol style="list-style-type: none"> 1. Annexation of an approximately 49.41 acre portion of the west half of the northwest quarter of Section 14, Township 140 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota <p>This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.</p> <p>Surrounding Land Uses and Zoning Districts:</p> <ul style="list-style-type: none"> • North: AG, Agricultural; City of Fargo sewage lagoons • East: AG; undeveloped; • South: LI, Limited Industrial; industrial uses • West: LI; industrial—mainly warehouse 			
Staff Analysis:			
<p>This 49.91 acre property, located along the east side of 37th Street North south of 52nd Avenue North, is proposed to be annexed is part of a larger proposed subdivision, described in "Current Subdivision And Zone Change" below. A portion of the proposed subdivision is already within city limits.</p> <p><u>PROCESS</u></p> <p>The Planning Commission will evaluate this proposed annexation for consistency with Fargo Growth Plan 2024 in item D.1 of the June 3rd, 2025 Planning Commission agenda. A hearing will be scheduled for this annexation at the City Commission concurrently with the final plat and zone change hearing.</p> <p><u>OWNERSHIP</u></p> <p>The entire property involved in the annexation is owned by the applicant, County 20 Storage & Transfer, Inc. The property is undeveloped. There are no existing residences or businesses in the annexation area.</p> <p><u>PLAN CONSISTENCY</u></p> <p>This property is outside of the Fargo city limits. The proposed annexation area is depicted within Growth Grid Number 1 of the Northern ETJ of the Fargo Growth Plan 2024. The future place type designation is "General Industrial and Flex Warehouse." Primary uses within this place type are light and general industrial and flex warehouse. Secondary uses are commercial uses specifically related to the primary use. The existing and proposed development and zoning are consistent with this place type. The annexation area is</p>			

adjacent to the existing city limits. Access is provided by 37th Street North. 52nd Avenue North will be improved as a result of the 46th Avenue Industrial Park Second Addition. The property is eligible to connect to City utilities. The property in the annexation is adjacent to developing properties that have recently been platted and zoned.



CONCURRENT SUBDIVISION AND ZONE CHANGE

The entire annexation area will be incorporated into the proposed 46th Avenue Industrial Park Second Addition, which includes a subdivision and zone change. The subdivision will create five lots in three blocks for industrial development. The property is currently zoned AG, Agricultural. The proposed zoning for the entire subdivision is AG and LI, Limited Industrial. The staff report for 46th Avenue Industrial Park provides details. This subdivision and zone change are going through the review and hearing process concurrently with this annexation, and appear as items 3.a and 3.b on the June 3rd, 2025 Planning Commission agenda.

Staff Recommendation:

Staff recommends the Planning Commission find that the proposed annexation of a portion of the west half of the northwest quarter of Section 14, Township 140 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota to be consistent with the Fargo Growth Plan 2024.

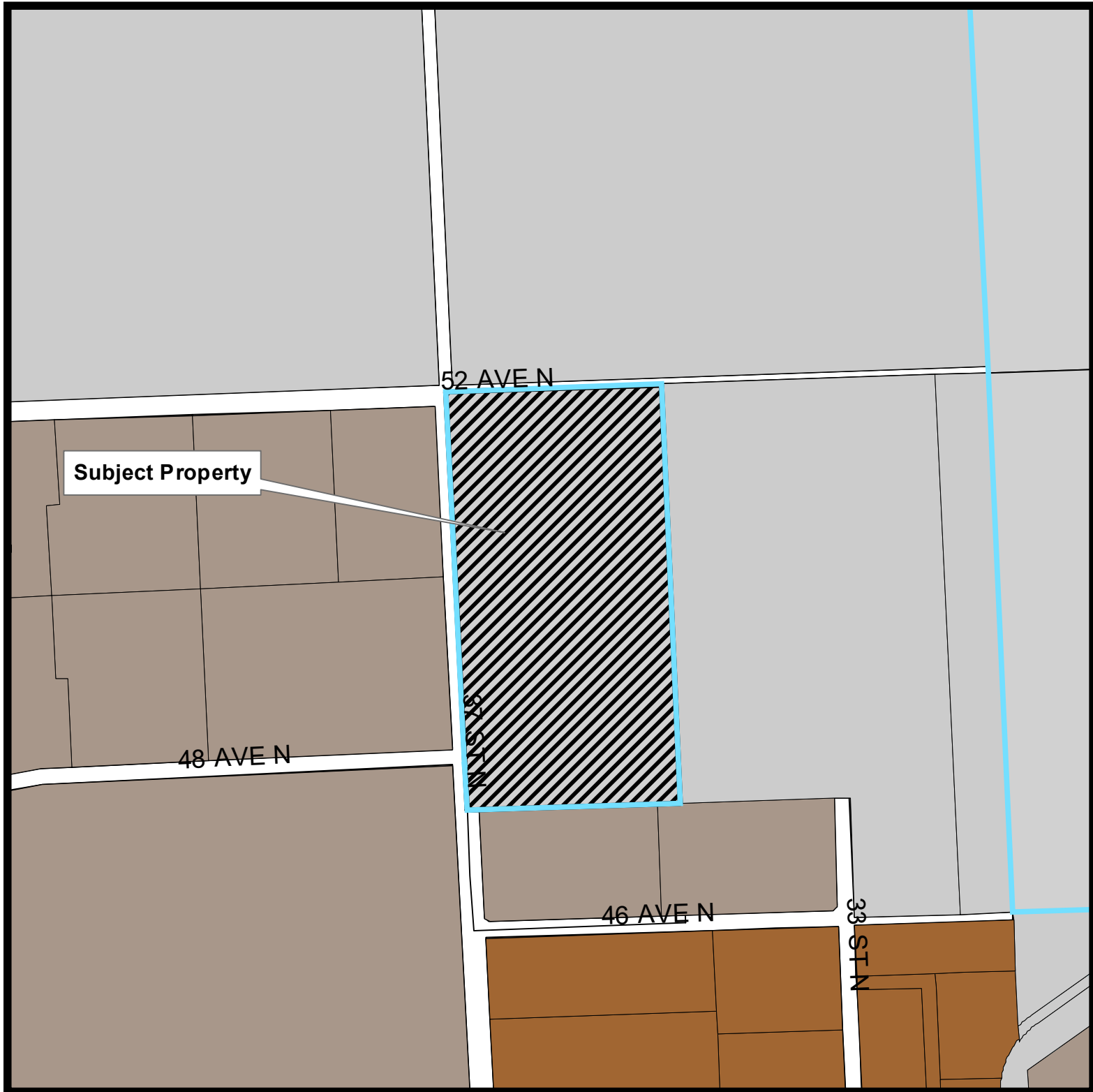
Attachments:

1. Zoning map
2. Location map
3. Annexation plat

Annexation

Portions of S14, T140N, R49W

3336 52nd Avenue North



Legend

AG	LC	MHP	SR-2
DMU	LI	NC	SR-3
GC	MR-1	NO	SR-4
GO	MR-2	P/I	SR-5
	MR-3	UMU	City Limits

Fargo Planning Commission

June 3, 2025

0 0.0375 0.075 0.15 0.225 0.3 Miles

Annexation

Portions of S14, T140N, R49W

3336 52nd Avenue North



Legend

 City Limits

ANNEXATION PLAT
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

SURVEYOR'S CERTIFICATE

COLE A. NESET, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED ANNEXATION PLAT TO THE CITY OF FARGO; THAT THE PROPERTY REPRESENTED IN THE PLAT IS A PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 140 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA; THAT THE ATTACHED PLAT IS A CORRECT REPRESENTATION OF THE PROPERTY ANNEXED TO THE CITY OF FARGO; THAT ALL DISTANCES ARE CORRECTLY SHOWN ON SAID PLAT AND THE EXTERIOR BOUNDARY LINES OF SAID LAND ANNEXED TO THE CITY OF FARGO ARE AS FOLLOWS, TO WIT:

PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 140 NORTH, RANGE 49 WEST OF THE 5TH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 14; THENCE N88°01'55"E ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, THE EXISTING CITY OF FARGO ANNEXATION LIMITS, A DISTANCE OF 1060.52 FEET TO THE EXISTING CITY OF FARGO ANNEXATION LIMITS; THENCE S02°37'21"E ALONG THE EXISTING CITY OF FARGO ANNEXATION LIMITS A DISTANCE OF 2060.96 FEET TO THE EXISTING CITY OF FARGO ANNEXATION LIMITS; THENCE S88°04'14"W ALONG THE EXISTING CITY OF FARGO ANNEXATION LIMITS A DISTANCE OF 1049.95 FEET TO THE WEST LINE OF SAID NORTHWEST QUARTER, THE EXISTING CITY OF FARGO ANNEXATION LIMITS; THENCE N02°54'59"W ALONG SAID WEST LINE, THE EXISTING CITY OF FARGO ANNEXATION LIMITS A DISTANCE OF 2060.40 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS ±49.91 ACRES MORE OR LESS AND IS SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD, IF ANY.

COLE A. NESET,
REGISTERED LAND SURVEYOR
LS-7513

STATE OF NORTH DAKOTA)
JSS
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2025, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED COLE A. NESET, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: _____ CASS _____ STATE: _____ NORTH DAKOTA _____

LEGEND

- | | |
|--------|----------------------------|
| ○ | MONUMENT FOUND |
| ● | MONUMENT SET |
| P.O.B. | POINT OF BEGINNING |
| — | ANNEXATION BOUNDARY LIMITS |
| - - - | EXISTING PROPERTY LINE |
| | AREA TO BE ANNEXED |
| - - - | EXISTING CITY LIMITS |



SURVEY INFORMATION

DATE OF SURVEY: 04/01/2023
BASIS OF BEARING: CITY OF FARGO GROUND COORDINATE
SYSTEM, DECEMBER 1992



5306 51ST AVENUE SOUTH, SUITE A
FARGO, NORTH DAKOTA 58104

FOR RECORDING PURPOSES ONLY

CITY ENGINEER'S APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 20__.

TOM KNAKMUHS, P.E., CITY ENGINEER

STATE OF NORTH DAKOTA)
JSS
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 20__, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TOM KNAKMUHS, P.E., TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: _____ CASS _____ STATE: _____ NORTH DAKOTA _____

FARGO CITY COMMISSION APPROVAL

APPROVED BY THE BOARD OF CITY COMMISSIONERS AND ORDERED FILED THIS _____ DAY OF _____, 20__.

TIMOTHY J. MAHONEY, MAYOR

ATTEST:

STEVEN SPRAGUE, CITY AUDITOR

STATE OF NORTH DAKOTA)
JSS
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 20__, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TIMOTHY J. MAHONEY & STEVE SPRAGUE, TO ME KNOWN TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: _____ CASS _____ STATE: _____ NORTH DAKOTA _____